

**INLAND WETLANDS
AND
WATERCOURSES
REGULATIONS**

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Inland Wetlands and Watercourses Regulations

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SECTION 1. TITLE AND 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 state, 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 Britain.

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1.3. The Conservation Commission of the City of New Britain was established in accordance with city ordinance 2-291 adopted in 1964. On July 18, 1973, the Conservation Commission, by virtue of ordinance 2-291.1 (now 19-34) of the New Britain City Ordinances was given power and responsibility to act as the "Inland Wetland Agency" of the City of New Britain. These regulations shall implement the purposes and provisions of the Inland Wetland and Watercourses Act in the City of New Britain.

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 Conservation 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 on inland wetlands and watercourses in the City of New Britain 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: [Amended 3-11-96; Amended 11-10-97]

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

"Agency" means the Conservation Commission of the City of New Britain.

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

"Clear-cutting" means the harvest of timber in a fashion which removes all trees down to a 2" diameter at breast height.

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

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

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

"Designated agent" means an individual designated by the agency to carry out its functions and purposes.

"Discharge" means emission of any water, substance, or material into wetlands or watercourses 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 wetland or watercourse.

"Farming" means use of land for the growing of crops, raising of livestock or other agricultural use.

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

"License" means the whole or any part of any permit, certificate of approval or similar form of permission which may be required of any person by the provisions of these regulations under the authority of the Conservation Commission.

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"Management Practice" means a practice, procedure, activity, structure or facility designed to prevent or minimize pollution or other environmental damage or to maintain or enhance existing environmental quality. Such management practices include, but are not limited to: erosion and sedimentation controls; restrictions on land use or development; construction setbacks from wetlands or watercourses; proper disposal of waste materials; procedures for equipment maintenance to prevent fuel spillage; construction methods to prevent flooding or disturbance of wetlands and watercourses; procedures for maintaining continuous stream flows; confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.

"Marshes" are areas with soils that exhibit aquatic moisture regimes that are distinguished by the absence of trees and shrubs and are dominated by soft-stemmed herbaceous plants. The water table in marshes is at or above the surface throughout the year, but seasonal fluctuations are encountered and areas of open water six inches or more in depth are common.

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

"Municipality" means the City of New Britain, Hartford County, Connecticut.

"Nurseries" means land used for propagating trees, shrubs or other plants for transplanting, sale, or for use as stock for grafting.

"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 Conservation Commission.

"Permittee" means the person to whom such permit has been issued.

"Person" means any person, firm, partnership, association, corporation, 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 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.

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"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 4 of these regulations.

"Regulated area" means any inland wetland or watercourse as defined in these regulations.

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

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

"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 major effect or significant impact on the regulated area or on another part of the inland wetland or watercourse system, or
2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system, or
3. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to support desirable fisheries, wildlife, or other biological life, prevent flooding, supply water, assimilate waste, facilitate drainage, provide recreation or open space or other functions, or
4. Any activity which causes substantial turbidity, siltation or sedimentation in a wetland or watercourse, or
5. Any activity which causes a substantial diminution of flow of a natural watercourse, or groundwater levels of the regulated area, or
6. Any activity which causes or has the potential to cause pollution of a wetland or watercourse, or
7. Any activity which destroys unique wetland or watercourse areas having demonstrable scientific or educational value.

"Soil Scientist" means an individual duly qualified in accordance with standards set by the Office of Personnel Management (formerly the U.S. Civil Service Commission.)

"Swamps" are areas with soils that exhibit aquatic moisture regimes and are dominated by wetland trees and shrubs.

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

"Town" means the City of New Britain, Hartford County in the State of Connecticut.

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

"Watercourses" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the Town or any portion thereof not regulated pursuant to section 22a-28 through 22a-35, inclusive. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (A) evidence of scour or deposits of recent alluvium or detritus, (b) the presence of standing or flowing water for a duration longer than a particular storm incident; and (C) the presence of hydrophytic vegetation.

"Wetlands" means land, including submerged land as defined in Section 2.1(aa) 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 floodplain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

SECTION 3. INVENTORY OF REGULATED AREAS

3.1. The map of regulated areas, entitled "Inland Wetlands and Watercourses Map, New Britain, Connecticut," prepared in 1974 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 Town Clerk and the City Plan Department. In all cases, the precise location of regulated areas shall be determined by the actual character of the land, the distribution of wetland soil types, and locations of watercourses. The Commission may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations or other information in determining the location of the boundaries of wetlands and watercourses. [Amended 3-11-96]

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

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

SECTION 4. PERMITTED USES AND NONREGULATED USES

4.1. The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:

a. Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland 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, or the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale; [Amended 5-11-98]

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 municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of section 22a-42a, or as of July 1, 1974, which ever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subsection unless the building permit was obtained on or before July 1, 1987. The individual claiming a use of wetlands permitted as a right under this subsection shall document the validity of said right by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, septic system, driveway, approval dates or other necessary information to document his entitlement; [Amended 5-8-12]

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.

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e. Construction and operation, by water companies as defined by Section 16-1 of the General Statutes or by municipal water supply systems as provided for in Chapter 102, of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in Sections 22a-401 and 22a-410 of the General Statutes; [Amended 5-8-12]

f. Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to section 22a-42a of the Connecticut General Statutes or July 1, 1974, whichever is earlier, provided such pipe is on a property which is zoned as residential but which does not contain hydrophytic vegetation. For purposes of this subdivision, maintenance means removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place; and [Amended 5-8-12]

g. Withdrawals of water for fire emergency purposes. [Added 5-8-12]

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

a. Conservation of soil, vegetation, water, fish, shellfish, and wildlife. 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; and [Amended 5-8-12]

b. Outdoor recreation including the use of play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shellfishing and cross-country skiing where otherwise legally permitted and regulated; and [Amended 5-8-12]

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c. The installation of a dry hydrant by or under the authority of a municipal fire department provided such 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. [Added 5-8-12]

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

4.4. To carry out the purposes of this section, any person proposing to carry out a permitted or nonregulated operation or use of a wetland or watercourse, which may disturb the natural and indigenous character of the land, shall, prior to commencement of such operation or use, notify the agency on a form provided by it, and provide the Agency with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or nonregulated use of the wetland or watercourse. The Agency or its designated agent shall rule that the proposed operation or use is a permitted or a nonregulated use of operation or that a permit is required. Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the Agency following the meeting at which the request was received. The designated agent for the Agency may make such ruling on behalf of the agency at any time.

SECTION 5. ACTIVITIES REGULATED BY THE STATE

5.1. In addition to any permit or approval required by the agency, the Commissioner of Environmental Protection shall regulate activities in or affecting wetlands or watercourses subject to the following jurisdiction:

- a. Construction or modification of any dam pursuant to Sections 22a-401 through 22a-410 of the General Statutes, as amended;
- b. Construction or placement of any obstruction within stream channel encroachment lines pursuant to Sections 22a-342 through 22a-349 of the General Statutes, as amended;
- c. Construction or placement of any structure or obstruction within the tidal, coastal or navigable waters of the state pursuant to Sections 22a-359 through 22a-363 or in designated tidal wetlands pursuant to Sections 22a-28 through 22a-35 of the General Statutes, as amended;
- d. Diversion of water in excess of fifty thousand (50,000) gallons per day or any surface waters of the state where the tributary watershed area above the point of diversion is 100 acres or larger pursuant to Sections 22a-365 through 22a-378 of the General Statutes, as amended;
- e. Discharges into the waters of the state pursuant to Section 22a-430 of the General Statutes, as amended;
- f. Discharge of fill or dredged materials into the wetlands and watercourses of the state pursuant to Section 401 of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under Section 404 of the Federal Clean Water Act.

5.2. The Commissioner of Environmental Protection shall have exclusive jurisdiction over regulated activities and other activities, in or affecting wetlands or watercourses, undertaken by any department, agency or instrumentality of the state of Connecticut, except any local or regional board of education, (1) after an advisory decision on such license or permit has been rendered to the commissioner by the wetland agency of the municipality within which such wetland is located or (2) thirty-

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five days after receipt by the commissioner of such application, whichever occurs first.

5.3. The Commissioner of Environmental Protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to Sections 22a-28 through 22a-35 of the General Statutes.

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 Britain.

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

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

SECTION 7. APPLICATION REQUIREMENTS

7.1. Any person wishing to undertake a regulated activity shall apply for a permit on a form entitled "City of New Britain Conservation Commission - Application for Permit." An application shall include an application form and such information as prescribed by Section 7.4 and, in the case of a significant activity, by Section 7.5 of these regulations. Application forms may be obtained in the offices of the City Plan Department in the City of New Britain.

7.2. If an application to the New Britain City Plan Commission for subdivision or resubdivision of land involves land containing a wetland or watercourse, the applicant shall, in accordance with Section 8-3(g) or 8-26, as applicable, of the Connecticut General Statutes, submit an application for a permit to the Agency in accordance with this section, no later than the day the subdivision application is filed. [Amended 11-10-97]

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

7.4. The Agency and the applicant may hold a pre-application meeting to determine whether or not the proposed application involves a significant impact activity. Whenever possible the determination relative to significant impact activities should be made at the pre-application meeting. The Agency should state the reasons why the activity was deemed significant impact activity in writing. [Amended 11-10-97]

7.5. All applications shall include the following information in writing:

- a. The applicant's name, home and business address and telephone numbers;
- b. The owner's name, address and telephone number and written consent if the applicant is not the owner of the property involved in the application;
- c. Applicant's interest in the land;

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- d. The geographical location of the property which is to be affected by the proposed activity, including but not limited to a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, a computation of the area(s) (in acres or square feet) of wetland or watercourse disturbance, soil type(s) and vegetation;
- e. The purpose and a description of the proposed activity and proposed erosion and sedimentation controls and other management practices and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to (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; [Amended 11-10-97]
- f. Alternatives considered by the applicant and why the proposal to alter wetlands set forth in the application was chosen; [Amended 11-10-97]
- g. A site plan showing 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 wetlands or watercourses;
- h. Names and addresses of adjacent property owners;
- i. Certification that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;
- j. Authorization for the commissioners and agents of the Agency to inspect the property, at reasonable times, both before and after a final decision has been issued;
- k. Any other information the Agency deems necessary to the understanding of what the applicant is proposing;
- l. Submission of the appropriate filing fee based on the fee schedule established in Section 7.9 of these Regulations.

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7.6. If the proposed activity involves a significant impact activity as determined by the Agency and defined in Section 2.1.y of these regulations, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following is required: [Amended 11-10-97]

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 development drawn by a licensed surveyor, professional engineer or landscape architect registered in the State of Connecticut or by such other qualified person;

b. Engineering reports and analyses and additional drawings to fully describe the proposed project and any filling, excavation, drainage or hydraulic modifications to watercourses;

c. Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Soil Conservation Service (the Agency may require the applicant to have the wetlands delineated in the field by a soil scientist and that the field delineation be incorporated onto the site plans) the wetlands shall be delineated in the field by a soil scientist and the soil scientist's filed delineation shall be incorporated onto the site plans; [Amended 11-10-97]

d. Description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed regulated activities on these communities and wetland functions;

e. Description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application, and with each alternative, and a description of why each alternative considered was deemed neither feasible nor prudent;

f. Analysis of chemical or physical characteristics of any fill material;

g. Measures which mitigate the impact of the proposed activity. Such measures include, but are not limited to, plans or actions which avoid destruction or diminution of wetland or watercourse functions, recreational uses and natural habitats, which prevent flooding, degradation of water quality, erosion and sedimentation and obstruction of drainage, or which otherwise safeguard water resources.

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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 run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

7.8. Four (4) 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 extend the expiration date of a previously issued permit or amend an existing permit shall be filed with the Agency at least sixty-five (65) days prior to the expiration date for the permit in accordance with Subsections 8.4 through 8.8 of these Regulations. Any application for amendment, renewal or extension shall be made in accordance with this Section provided:

- a. The application may incorporate by reference the documentation and record of the original application;
- b. The application shall state the reason why the authorized activities were not initiated or completed within the time specified in the permit;
- c. The application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or the property for which the permit was issued;
- d. The Agency may accept an untimely application to extend the expiration date of a permit if the authorized activity is ongoing and allow the continuation of work beyond the expiration date if in its judgment, the permit is likely to be extended and the public interest or environment will be best served by not interrupting the activity. The application shall describe the extent of work completed at the time of filing and schedule for completing the activities authorized in the permit.

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e. The Agency shall evaluate the application pursuant to Section 10 of these Regulations and grant the application as filed, grant it with any terms or limitations, or deny it. [Amended 2-8-93]

7.10 Any application to renew a permit shall be granted upon request of the permit holder unless the Agency finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit 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 years. [Amended 2-8-93; Amended 8-10-10; Amended 5-8-12]

The fee for filing an application for an Inland Wetlands and Watercourses Permit shall be as set by the Common Council. As a matter of convenience, said fees are shown in the fee schedule contained in Appendix A of these Regulations. [Amended 3-10-09]

7.11 For any permit application involving property subject to a conservation restriction or preservation restriction, the following shall apply: [Added 3-10-09]

a. For the purposes of this section, "conservation restriction" means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land described therein, including, but not limited to, the state or any political subdivision of the state, or in any order if taking such land whose purpose is to retain land or water areas predominantly in their natural, scenic or open condition or in agricultural, farming, forest or open space use. [Added 3-10-09]

b. For the purposes of this section, "preservation restriction" means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land described therein, including, but not limited to, the state or any political subdivision of the state, or in any order if taking such land whose purpose is to preserve historically significant structures or sites. [Added 3-10-09]

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c. No person shall file a permit application other than for interior work in an existing building or for exterior work that does not expand or alter the footprint of an existing building, relating to property that is subject to a conservation restriction or preservation restriction unless the applicant provides proof that the applicant has

provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction not later than sixty days prior to the filing of the permit application. [Added 3-10-09]

d. In lieu of such notice pursuant to subsection 7.11c, the applicant may submit a letter from the holder of such restriction or from the holder's authorized agent, verifying that the application is in compliance with the terms of the restriction. [Added 3-10-09]

SECTION 8. APPLICATION PROCEDURES

8.1. Applications and copies of these regulations shall be available in the Office of City Plan. All applications together with filing fees shall be filed and maintained with the Office of City Plan of the City of New Britain.

8.2. In the case of any application where any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of Berlin, Newington, Farmington, Plainville, or Southington, the applicant shall give written notice, in accordance with Connecticut General Statutes 22a-42c, of the proposed activity, certified mail return receipt requested, to the adjacent municipal wetland agency on the same day of filing an inland wetland permit application with the Conservation Commission. Documentation of such notice shall be provided to the Conservation Commission.

8.3. The Agency shall, in accordance with Connecticut General Statutes 8-7b(f) and 22a-42b, notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project or site which:

- 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. A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- c. A significant portion of the sewer or water drainage from the project site will flow through and significantly impact the sewage or drainage system within the adjoining municipality; or,
- d. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven (7) days of the date of receipt of the application. For purposes of this Section 8, the staff of the City Plan Commission shall be the designated agent of the Agency and shall prepare and deliver all applicable notices. [Amended 7-27-05]

Inland Wetlands and Watercourses Regulations

8.4. The date of receipt of any application shall be the day of the next regularly scheduled meeting of the Agency immediately following the day of submission to such Agency or its agent, of such petition, application, request or appeal, or thirty-five (35) days after such submission, whichever is sooner. [Amended 3-11-91] [Amended 7-27-05]

8.5. At any time during the review period, the Agency may require the applicant to provide additional information about the regulated area or regulated activity which is the subject of the application, or wetlands or watercourses affected by the regulated activity. (The Agency shall not exceed the required sixty-five (65) day time limit in taking action on an application pending the receipt of additional information as stated in Section 11.2 of these regulations.)

8.6. All applications shall be open for public inspection.

8.7. Incomplete applications may be denied.

8.8. When a 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 General Statutes, the applicant shall provide written notice of the application to the water company provided such water company has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of the application. The water company, through a representative, may appear and be heard at any hearing on the application.

SECTION 9. PUBLIC HEARINGS

9.1. The Agency shall not hold a public hearing on an application unless the Agency determines that the proposed activity may have a significant impact on wetlands or watercourses or a petition signed by at least twenty-five persons who are eighteen 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 Agency not later than fourteen days after the day of receipt of such application or the Agency finds that a public hearing regarding such application would be in the public interest. The Agency may issue a permit without a public hearing provided no petition provided for in this section is filed with the Agency on or before the fourteenth day after the date of receipt of the application. Such hearing shall be held no later than sixty-five 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 may appear and be heard and may be represented by agent or by attorney. [Amended 2-8-99; Amended 5-25-00; Amended 7-27-05]

9.2. Notice of the public hearing shall be published at least twice at intervals of not less than two days, the first not more than fifteen days and not fewer than ten days, and the last not less than two days before the date set for the hearing in a newspaper having a general circulation in each town where the affected wetland and watercourse is located, as well as being posted on the City of New Britain website. [Amended 7-27-05]

9.3. Notice of the public hearing shall be mailed to the owner(s) of record of abutting land no less than fifteen days prior to the day of the hearing. For purposes of this Section 9 the City Plan Department shall be the designated agent of the Agency and shall prepare and deliver all applicable notices.

9.4. In the case of any application which is subject to the notification provisions of Section 8.3 of these Regulations, a public hearing shall not be conducted until the clerk of the adjoining municipality[ies] 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 ON PERMITS

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

- a. The application and its supporting documentation;
- b. Public comments, evidence and testimony from a public hearing;
- c. Reports from other agencies and commissions including but not limited to the City of New Britain:
 1. Planning Commission and City Plan Department
 2. Planning, Zoning, or Planning and Zoning Commissions
 3. Building Official
 4. Health Officer
 5. Engineering Department
 6. Public Works Department
- d. The Agency may also consider comments on any application from the Hartford County Soil and Water Conservation District, the Central Connecticut Regional Planning Agency or other regional organizations (i.e. Council of Elected Officials); agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations.
- e. Non-receipt of comments from agencies and commissions listed in 10.1.c above within the proscribed time shall neither delay nor prejudice the decision of the Agency.

10.2. Criteria for Decision. In carrying out the purposes and policies of Section 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 action, including the effects on the inland wetlands and watercourses;

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- 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 and watercourses;
- c. The relationship between the short-term and long term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses;
- d. Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;
- e. The character and degree of injury to, or interference with, safety, health, or the reasonable use of property which is caused or threatened by the proposed regulated activity, and;
- f. Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands and watercourses.

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

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

10.5. For purposes of this section, (1) 'wetlands or watercourses' includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (2) "habitats" means areas or environments in which an organism or biological population normally lives or occurs. [Amended 7-27-05]

10.6. The Agency shall not deny or condition an application for a regulated activity outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses. [Added 7-27-05]

10.7. In reaching its decision on any application after a public hearing, the agency shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Agency in its decision. A conclusion that a feasible and prudent alternative does not exist does not create a presumption that a permit should be issued. The applicant has the burden of demonstrating that his application is consistent with the purposes and policies of these regulations and Sections 221-36 to 221-45, inclusive, of the Connecticut General Statutes. [Added 7-27-05]

10.8. In the case of an application where the applicant has provided written notice pursuant to subsection 7.11c of these regulations, the holder of the restriction may provide proof to the inland wetlands agency that granting of the permit application will violate the terms of the restriction. Upon a finding that the requested land use violates the terms of such restriction, the inland wetlands agency shall not grant the permit approval. [Added 3-10-09]

Inland Wetlands and Watercourses Regulations

10.9. In the case of an application where the applicant has provided written notice pursuant to subsections 7.11c or 7.11d of these regulations, the party holding the conservation or preservation restriction may, not later than fifteen days after receipt of actual notice of permit approval, file an appeal with the inland wetlands agency, subject to the rules and regulations of such agency relating to appeals. The inland wetlands agency shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction. [Added 3-10-09]

10.10. The Agency is authorized to designate the City Plan Department of the City as its agent for purposes of providing technical and professional information to the Agency concerning any inland wetland application. [Amended 7-27-05]

SECTION 11. DECISION PROCESS AND PERMIT

11.1. The Agency may grant the application as filed; grant it upon such terms, conditions, limitations or modifications necessary to carry out the purposes of the Act; or deny it.

11.2. No later than sixty-five (65) days after receipt of an application, the Agency may hold a public hearing on such application. At such hearing any person may appear and be heard and may be represented by agent or by attorney. The hearing shall be completed within thirty-five (35) days of its commencement and action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this subsection for the holding of the hearing and for action on such application, provided the total extension of any such period shall not be for longer than the original period as specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or may withdraw such application. Failure of the inland wetlands agency to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application. The agency does not have the authority to table or reject an application for incompleteness. An application deemed incomplete by the Agency shall be withdrawn by the applicant or denied by the Agency. [Amended 3-11-91; Amended 7-27-05]

11.3. The Agency shall state upon its record the reasons and bases for its decision and, in the case of any public hearing, such decision shall be based fully on the record of such hearing and shall be in writing and shall incorporate a statement relative to the consideration of feasible and prudent alternatives.

11.4. The Agency shall notify the applicant and any named parties to the proceeding of its decision within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the agency shall cause notice of its order in the issuance or denial of the permit, in a newspaper having general circulation in the town wherein the inland wetland or watercourse lies. In any case in which such notice is not published within such fifteen day period, the applicant may provide for the publication of such notice within ten days thereafter. A copy of all Agency decisions shall be forwarded to the Commissioner of Environmental Protection in such a form as

Inland Wetlands and Watercourses Regulations

prescribed by the Commissioner. A copy of all Agency decisions shall be placed on file in the Office of City Plan and a copy forwarded to the Town Clerk. All notification under this Section 11 shall be made by the City Plan Department at the direction of the Agency. [Amended 3-11-91]

11.5. If an activity authorized by the inland wetland permit also involves an activity or project which requires zoning or subdivision approval, a building permit, a special zoning permit, variance or special exception, the agency shall file a copy of the decision and report on the application with the City Plan Commission, Building Commission, Zoning Committee, or Zoning Board of Appeals, as applicable, within fifteen days of the date of the decision. It shall be the responsibility of the permittee to seek and obtain all other necessary permits, approvals, licenses, certificates, etc., as may be required by applicable city, state or federal agencies, prior to conducting any regulated activity. A permit issued pursuant to these regulations shall not be conditioned upon, and does not confer or imply approval of the activity by any other agency of the city, state or federal government. [Amended 10-19-92]

11.6. If the Agency denies the permit, or if it grants a permit with terms, conditions, limitations or modifications, the applicant may attempt to modify the proposal to the Agency's satisfaction. The Agency shall determine whether the proposed modification requires the filing of a new application. The rejection of a modified or corrected application by the Agency shall be equivalent to the denial of an application for the purposes of appeal.

11.7. If the Agency denies a permit, the application shall not be resubmitted unless the proposal is modified in a fashion that substantially changes the impacts which resulted in the denial. Such submittal shall take the form of a new application.

11.8 Any permit issued by the agency for the development of land for which an approval is required under Section 8-3, 8-25 or 8-26 of the Connecticut General Statutes shall be valid for five years provided the Agency may establish a specific time period within which any regulated activity shall be conducted. Any permit issued by the Agency for any other activity shall be valid for not less than two years and not more than five years. Any permit issued by the agency prior to July 1, 2011 that was in effect and did not expire prior to May 9, 2011 shall be valid for a period not less than nine years after the date of such approval. [Amended 10-19-92; Amended 4-11-94; Amended 8-10-10; Amended 5-8-12]

Inland Wetlands and Watercourses Regulations

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

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

11.11. General Provisions in the issuance of all permits:

a. In evaluating applications in which the Agency relied in whole or in part on information provided the applicant, if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked.

b. All permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Agency or the City of New Britain, 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 watercourses.

SECTION 12. BOND AND INSURANCE

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

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

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

SECTION 13. ENFORCEMENT

13.1. The Agency may appoint an agent or agents to act in its behalf with the authority to inspect property except a private residence, and issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these regulations.

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

13.3. If the Agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these regulations, the agency or its duly authorized agent may:

a. Issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order the agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Agency shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order 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 section shall not delay or bar an action pursuant to Section 22a-44(b) of the General Statutes, as amended;

b. Suspend or revoke a permit if it finds that the applicant has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking any permit, the Agency shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. At the public hearing the permittee shall be given an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the Agency's decision to

Inland Wetlands and Watercourses Regulations

suspend, revoke, or maintain a permit by personal service or certified mail within fifteen (15) days of the date of its decision;

c. Issue a notice of violation to such person conducting such activity or maintaining such facility or 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 filing a proper application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in Subsection a. of this Section or other enforcement proceedings as provided by law.

13.4. For purposes of Section 13, the Agency has designated the City Plan Department and/or the Department of Licenses, Permits and Inspections to act as its designated agent and to make inspection and issue reports to the Agency at the request of the Agency. The City Plan Department and Department of Licenses, Permits & Inspections shall bring to the attention of the Agency any possible violations of these regulations which are discovered during the course of their day to day activities. [Amended 7-27-05]

Inland Wetlands and Watercourses Regulations

SECTION 14. AMENDMENTS

14.1. These regulations and the Inland Wetlands and Watercourses Map for the City of New Britain may be amended, from time to time, by the Agency in accordance with changes in the Connecticut General Statutes or regulations of the State Department of Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available.

14.2. An application filed with the Agency which is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland 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 such Agency with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such receipt. The provisions of this section shall not be construed to apply (1) to the establishment, amendment or change of boundaries of inland wetlands or watercourses or (2) to any change in regulations necessary to make such regulations consistent with the provisions of the Act as of the date of such receipt.

14.3. These regulations and the City of New Britain Inland Wetlands and Watercourses Map shall be amended in the manner specified in Section 22a-42a of the Connecticut General Statutes, as amended. The Agency shall provide the Commissioner of Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except determinations of boundaries, at least thirty-five days before the public hearing on their adoption. Application forms and fee schedules shall be considered as part of the Agency regulations. [Amended 3-11-96]

14.4. Petitions requesting changes or amendments to the "Inland Wetlands and Watercourses Map, New Britain Connecticut" shall contain at least the following information:

- a. The petitioner's name, address and telephone number;
- b. The owner's name (if not the petitioner), address and telephone number; Petitioner's interest in the land;

Inland Wetlands and Watercourses Regulations

c. Map(s) showing the geographic location of the land affected by the petition and the existing and the proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations; and,

d. The reasons for the requested action;
[Amended 3-11-96]

14.5. Any person who submits a petition to amend the Inland Wetlands and Watercourses Map, New Britain, 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 Agency. 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 14.3, the petition shall include:

a. The name, address and telephone number of the owner(s) of such land and owner(s) agent or other representative;

b. The names and addresses of the owners of abutting land;

c. Documentation by a soil scientist of the distribution of wetlands soils on said land. Such documentation shall at a minimum include the report of the soil scientist documenting the location of wetlands 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.

14.6. Watercourses shall be delineated by a soil scientist, geologist, ecologist or other qualified individual. [Amended 2-8-93]

14.7. A public hearing shall be held on petitions to amend the Inland Wetland and Watercourses Map. Notice of the hearing shall be published in a newspaper having substantial circulation in the municipality at least twice at intervals of not less than two days, the first not more than fifteen days nor less than ten days, and the last not less than two days, before such hearing, as well as being posted on the City of New

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Britain website. A copy of such proposed boundary change shall be filed in the office of the town clerk, for public inspection at least ten days before such hearing. [Amended 7-27-05]

14.8. The Agency shall hold a public hearing on a petition to amend the regulations and/or 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 of commencement. The Agency shall act upon the changes requested in such petition within sixty-five (65) days after the completion of such hearing. At such hearing any person may appear and be heard and may be represented by agent or attorney. The petitioner may consent to one or more extensions of any 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 such application. 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. [Amended 7-27-05]

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

SECTION 15. APPEALS

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

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

SECTION 16. CONFLICT AND SEVERANCE

16.1. If there is a conflict between the provisions of these regulations, the provision which imposes the most stringent standards for the use of wetlands and watercourses shall govern. The invalidity of any word, clause, sentence, section, part, subsection or provision of these regulations shall not affect the validity of any other part which can be given effect without such valid part or parts.

16.2. If there is a conflict between any provision of these regulations and any provision of the act, the provisions of the act shall govern. [Amended 5-11-98]

SECTION 17. OTHER PERMITS

17.1. Nothing in these regulations shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the City of New Britain, 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 18. STAFF ASSISTANCE

18.1. For purposes of carrying out these regulations the Agency shall be authorized to designate the City Plan Department of the City of New Britain as its designated agent to provide clerical and secretarial assistance to the Agency.

Inland Wetlands and Watercourses Regulations

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

Rev. 4/15/14
SPS/gr

Inland Wetlands and Watercourses Regulations

APPENDIX A

Application Fees:

| | | |
|---|------|-----------|
| Basic Inland Wetlands Permit (If no public hearing is required) | | \$ 250.00 |
| Inland Wetlands Permit - Significant Impact Activity (Public Hearing Required) | Plus | \$ 250.00 |
| Amendment to Inland Wetlands Map | | \$ 400.00 |

Note: All fees are inclusive of the \$60.00 State Land Use Fee.

Effective: 4/15/14

Inland Wetlands and Watercourses Regulations

APPENDIX B

DATES OF AMENDMENTS TO INLAND WETLANDS AND WATERCOURSES REGULATIONS

| <u>DATE</u> | <u>SECTION(S) AMENDED</u> |
|-------------------|--|
| March 4, 1989 | Adoption of Updated Inland Wetlands Regulations |
| March 11, 1991 | Section 8.4 Sections 11.2 and 11.4 |
| October 19, 1992 | Sections 11.5 and 11.8 |
| February 8, 1993 | Section 7.9 Section 14.6 |
| April 11, 1994 | Section 11.8 |
| March 11, 1996 | Sections 2.1ee and 2.1ff Section 3.1 Sections 14.3 and 14.4 |
| November 10, 1997 | Section 2.1 Section 7 (Added new subsection 7.2 & renumbered subsequent subsections) Section 7.4 {formerly Section 7.3} Section 7.5e and 7.5f Section 7.6 Section 7.6c |
| May 11, 1998 | Section 4.1a Section 16.2 |
| February 8, 1999 | Section 9.1 |
| May 25, 2000 | Section 9.1 |

Inland Wetlands and Watercourses Regulations

APPENDIX B

DATES OF AMENDMENTS TO INLAND WETLANDS AND WATERCOURSES REGULATIONS

| DATE | SECTION(S) AMENDED |
|-----------------|---|
| July 27, 2005 | Section 8.3 Section 9.1 Section 9.2 Section 10.5 ([NEW] Deleted existing 10.5, inserted new 10.5) Section 10.6 ([NEW] previous 10.6 renumbered as 10.8) Section 10.7 [NEW] Section 11.2 Section 13.4 Section 14.7 Section 14.8 ([NEW] Deleted existing 14.8, inserted new 14.8) Appendix A (Amended fee schedule) |
| March 10, 2009 | Section 7.10 Section 7.11 [NEW] Section 10.8 ([NEW] previous 10.8 renumbered as 10.10) Section 10.9 [NEW] |
| August 10, 2010 | Section 7.10 Section 11.8 |
| May 8, 2012 | Section 4.1 Section 4.2 Section 7.10 Section 11.8 |

Inland Wetlands and Watercourses Regulations

APPENDIX B

DATES OF AMENDMENTS TO INLAND WETLANDS AND WATERCOURSES REGULATIONS

| DATE | SECTION(S) AMENDED |
|------|--------------------|
|------|--------------------|

| | |
|----------------|-----------------------------------|
| April 15, 2014 | Appendix A (Amended fee schedule) |
|----------------|-----------------------------------|