

APPENDIX B INLAND WETLANDS AND WATERCOURSES REGULATIONS*

***Editor's note:** Appendix B sets forth the inland wetland and watercourses regulations of the city as enacted Jan. 1, 1990. The substantive provisions of these regulations, with the exception of two appendices containing the Application and Statewide Inland Wetland Activity forms, have been included as enacted. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Material in brackets has been added by the editor in order to facilitate indexing, reference and use.

The absence of a history note following a section in App. B indicates that such section is derived unchanged from the regulations enacted Jan. 1, 1990; conversely, a history note enclosed in parentheses following a section indicates amendment by the ordinance or ordinances cited therein.

Cross references: Boats, docks and waterways, ch. 3.5; planning and development, ch. 17; zoning, app. A.

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Section 1. Title and authority.

1.1. *[Purpose.]* The inland wetlands and watercourses of the City of Norwich are an indispensable and irreplaceable but fragile natural resource. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal aquatic and plant life. Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of the deposition, filling or removal of material, the diversion or obstruction of water flow, [and] the erection of structures and other uses. Such activities have had, and will continue to have, significant adverse impact on the environment and ecology of the City of Norwich. The preservation and protection of the wetlands and watercourses is in the public interest and is essential to the health, safety and welfare of the citizens of the City of Norwich. It is, therefore, the purpose of these regulations to make provisions for the protection, preservation,

maintenance and use of inland wetlands and watercourses by minimizing their disturbance and pollution; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic life, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of floods; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the city's potable water supplies from the dangers of drought, overdraft, pollution, misuse, and mismanagement by providing an orderly process to balance the need to protect the environment and thus guarantee to citizens of the City of Norwich and to future generations the safety of such natural resources for their benefit and enjoyment.

1.2. *[Title.]* These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the City of Norwich."

1.3. *[Preparation in accordance with state law.]* These regulations have been prepared by the inland wetlands, watercourses and conservation commission in accordance with the provisions of G.S. §§ 22a-36--22a-45, as amended.

1.4. *[Adoption and amendment.]* These regulations have been adopted and may be amended, from time to time, in accordance with the provisions of the Inland Wetlands and Watercourses Act and section 14 of these regulations.

1.5. *[Enforcement.]* 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 on inland wetlands and watercourses in the City of Norwich pursuant to G.S. §§ 22a-36--22a-45, as amended.

Section 2. Definitions.

2.1. As used in these regulations:

1. *Act:* The Inland Wetlands and Watercourses Act, G.S. §§ 22a-36--22a-45, as amended.
2. *Bog:* A poorly drained area containing an accumulation of organic material and characterized by an association of plants recognized as bog species. Typical examples of bog plants are listed in the booklet entitled "A Guide to Common Inland Wetland Plants of Connecticut and Their Identification," Michael Lefor, ConnDEP, 1989.
3. *City:* City of Norwich, Connecticut.
4. *Clearcutting:* The harvest of timber in a fashion which removes all trees greater than two-inch diameter. The diameter is measured at 3 1/2 feet above ground level.
5. *Commission:* The Inland Wetlands, Watercourses and Conservation Commission of the City of Norwich.
6. *Commission member:* A member of the Inland Wetlands, Watercourses and Conservation Commission of the City of Norwich.
7. *Commissioner of environmental protection:* The commissioner of the State of Connecticut Department of Environmental Protection.
8. *Continual flow:* 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.
9. *Deposit* includes, but shall not be limited to, fill, grade, dump, place, discharge or emit.
10. *Designated agent:* An individual designated by the commission to carry out its

functions and purposes.

11. *Discharge*: Emission of any water, substance, or material into wetlands or watercourses whether or not such substance causes pollution.

12. *Disturbing the natural and indigenous character of the land*: That the activity will alter inland wetlands and watercourses. By reason of removal or deposition of material, clearcutting, alteration or obstruction of water flow, or will result in the pollution of the wetland or watercourse.

13. *Erosion*: The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

14. *Essential to the farming operation* means that the activity proposed is necessary and indispensable to sustained farming activities on an existing farm.

15. *Farming*: Use of land for growing of crops, raising of livestock or other agricultural use.

15.1. *Hazardous materials, substances and waste*: Any material, substance or waste that is toxic, reactive, corrosive or ignitable, and which may pose a present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed, including hazardous substances, materials and wastes as defined in the Code of Federal Regulations, title 40 CFR, parts 261, 302.4 and 300.6, as amended, and title 49 CFR, subchapter C, part 171, as amended.

16. *Intermittent watercourse*: Those waterways which are characterized by nonpersistent flow. For purposes of these regulations, intermittent watercourses are delineated by one or more of the following characteristics:

a. A defined permanent channel with the 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. Ordinarily, the presence of water is supported by a component, however small, of groundwater outflow or exfiltration.

c. The presence of, or ability to support the growth of, hydrophytic vegetation.

17. *Grading*: The excavating, grubbing, filling (including hydraulic filling) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

18. *License*: The whole or any part of any permit, certificate of approval or similar form of permission which shall be required of any person by the provisions of these regulations under the authority of the commission.

19. *Marsh*: An area normally covered with shallow water, subject to seasonal variations, that contains an association of plants recognized as marsh species. Typical examples of marsh species are listed in the booklet entitled "A Guide to Common Inland Wetland Plants of Connecticut and Their Identification," Lefor, ConnDEP, 1989.

20. *Material*: Any substance, solid or liquid, organic or inorganic, including, but not limited to, soil, sediment, aggregate, land, gravel, clay, peat, mud, debris, sand, refuse or waste.

21. *Municipality*: The City of Norwich, New London County, Connecticut.

22. *Nurseries*: Land used for propagating trees, shrubs or other plants for transplanting, sale, or for use as stock for grafting.

23. *Permit*: The whole or any part of any license, certificate of approval or similar form of permission which shall be required of any person by the provisions of these

regulations under the authority of the commission.

24. *Permittee*: The person to whom such permit has been issued.

25. *Person*: Any person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

26. *Pollution*: Harmful thermal effect or the contamination or rendering unclean or impure of any waters of the City of Norwich by reason of any waste or material discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come into contact with any waters. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing or excavation.

27. *Regulated area*: Any wetland or watercourse as defined in these regulations and the area within 100 feet of said wetland and or watercourse.

28. *Regulated activity*: Any operation or use within a wetland or watercourse, or within 100 feet of said wetland or watercourse, involving, but not limited to, removal or deposition of material, any obstruction, construction, alteration, or pollution of such wetlands or watercourses, any earth moving, filling, clearcutting of trees, and dumping of material or debris, but shall not include the specified activities in section 4 of these regulations.

28.1. *Buffer area activities*: Regulated activities that are proposed within the 100-foot regulated area, and excluding any activities proposed within the designated wetland or watercourse. Such activities shall be limited to the following: construction of residential accessory buildings, decks, porches, aboveground and inground pools; additions to existing residential structures, provided such additions are less than or equal to 625 square feet in gross area; minor grading, excavation and filling, provided such activity is less than one-quarter acre in area and it is associated with an existing residential lot for which a building permit has been issued prior to the adoption of these regulations; fences; signs; removal or replacement of existing inground or aboveground fuel storage tanks; general maintenance of existing drainage structures or minor drainage improvement projects conducted by the city department of public works; installation of utility lines by the city department of public utilities.

a. Exceptions to the buffer area activities provision include the following: any activity proposed within the watershed of a water company, as defined in sections 8.1 and 8.3 of these regulations, and the installation or maintenance of septic systems.

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

30. *Rendering unclean or impure*: Any alteration of the physical, chemical or biological properties of any wetlands or watercourses, or areas tributary to wetlands or watercourses, including, but not limited to, change in color, odor, turbidity, or taste.

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

31. *Sediment*: Solid material, either mineral or organic material that is in suspension, is transported, or has been moved from its site of origin by erosion.

32. *Significant activity*: Any activity, including, but not limited to, the following activities, which may, in the commission's opinion, have a substantial 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:

- a. 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 a watercourse system; or
- b. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system; or
- c. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to support desirable fisheries, wildlife, or other biological life, supply water, assimilate waste, facilitate drainage; or
- d. Any activity which causes substantial turbidity, siltation or sedimentation in a wetland or watercourse; or
- e. Any activity which causes a substantial diminution of flow of a natural watercourse, or groundwater levels of the regulated area; or
- f. Any activity which causes or has the potential to cause pollution of a wetland or watercourse; or
- g. Any activity which destroys wetland or watercourse areas having demonstrable scientific or educational value; or
- h. Any activity which causes the destruction or impairment of an identified aquifer or recharge area; the destruction or alteration of inland wetlands or watercourses which may result in increasing the volume or velocity of water leading to upstream or downstream flooding; or
- i. Any activity which causes a significant reduction of the area's suitability for recreation or open space, scenic values, archaeological, and/or historical features; or
- j. Any activity which causes the creation of conditions which may significantly and adversely affect the health, welfare and safety of the individual or the community, which may occur as a result of development in regulated areas.

33. *Soil scientist*: An individual duly qualified in accordance with standards set by the Office of Personnel Management (formerly the United States Civil Service Commission).

34. *Submerged lands*: Those lands that are inundated by water on a seasonal or more frequent basis.

35. *Swamp*: An area with a water table at or near the surface of the ground throughout most of the year and containing vegetation dominated by an association of trees, shrubs, and plants recognized as swamp species. Typical examples of swamp species are listed in the booklet entitled "A Guide to Common Inland, Wetland Plants of Connecticut and Their Identification," Lefor, ConnDEP, 1989.

36. *Waste*: Sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the waters of the city.

37. *Watercourses*: Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the city or any portion thereof.

38. *Wetlands*: Land, including submerged land, 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 Soil Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may

include filled, graded, or excavated sites which possess an aquic [sic] (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey. The New London County designated wetland soils include the following soil types: Adrian and Palm mucks (Aa), Beaches (Ba), Carlisle muck (Ce), Ipswich mucky peat (Ip), Limerick Variant silt loam (Ln), Pawcatuck mucky peat (Pa), Pootatuck Variant fine sandy loam (Ps), Raypol silt loam (Rc), Ridgebury fine sandy loam (Rd), Ridgebury, Leicester, and Whitman extremely stony fine sandy loams (Rn), Rippowam fine sandy loam (Ro), Scarboro mucky fine sandy loam (Sf), Walpole fine sandy loam (Wd), Westbrook mucky peat (We), and Westbrook mucky peat, low salt (Wh).

(Ord. of 3-7-91)

Section 3. Inventory of inland wetlands and watercourses.

3.1. The map entitled "Official Inland Wetlands and Watercourses of the City of Norwich, Connecticut" delineates the general location and boundaries of inland wetlands and the location of watercourses. Copies of this map are available for inspection in the planning 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. Such determination shall be made by field inspection and testing conducted by a certified soil scientist where soil classifications are required, or where watercourse determinations are required by qualified individuals.

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 commission to change the designation. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall provide proof that the designation is inapplicable. Documentation in accordance with section 14 of these regulations may be required of the petitioner when the commission requires an accurate delineation of regulated areas.

3.3. The 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 information becomes available relative to more accurate delineation of wetlands and watercourses within the city. Such map amendments are subject to the public hearing process outlined in section 14 of these regulations.

Section 4. Permitted uses as of right and nonregulated uses.

4.1. The following operations and uses shall be permitted in inland wetlands and watercourses as of right. A ruling from the commission or its designated agent shall be obtained to determine whether the proposed use is a use permitted as of right or a nonregulated use.

a. Grazing, farming, nurseries, gardening, harvesting of crops and farm ponds of three acres or less essential to the farming operation. The provisions of this section shall not be construed to include road construction or the erection of buildings not directly related to the farming operation; relocation of watercourses with continual flow; filling or reclamation of wetlands or watercourses with continual flow; clearcutting of timber except for the expansion of agricultural crop land; or the mining of topsoil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;

b. A residential home (i) for which a building permit has been issued or (ii) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by the commission on the city plan is [as] of the effective date of these regulations, or as of July 1, 1974, whichever is earlier; and further provided no

residential home shall be permitted as of right pursuant to this subdivision unless the building permit was obtained on or before July 1, 1987. The individual claiming a use of wetlands permitted as of right under this subdivision 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, location of wetlands and watercourses as determined by a certified soil scientist, and other necessary information to document his/her entitlement. The commission may regulate the size of the house, and the location and extent of all development on the lot.

c. Boat anchorage or mooring, not to include dredging or dock construction;

d. Uses incidental to the enjoyment or maintenance of residential property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the City of Norwich and containing a residence. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of 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 G.S. § 16-1, as amended, or by municipal water supply systems as provided for in G.S. ch. 102, as amended, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in G.S. §§ 22a-401--22a-410.

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.

b. Outdoor recreation including the use of play and sporting areas, golf courses, field trails, 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.

4.3. All activities in regulated areas involving filling, excavation, dredging, clearcutting, 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 commission in accordance with section 6 of these regulations.

4.4. Uses and operations described in sections 4.1 and 4.2, inclusive, are allowed as of right. These exempt uses are provided for by the Connecticut General Statutes and any deviation from the listed uses will be treated as a violation, as provided for under section 13 of these regulations. The commission ruling shall be obtained if there is any question of a use or activity being exempt.

4.5. 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 that may disturb the natural and indigenous character of the wetland or watercourse shall, prior to commencement of such operation or use, notify the commission on a form provided by it, and provide the commission with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or nonregulated use of the wetland or watercourse. The commission or its designated agent shall rule that the proposed operation or use is a permitted or a nonregulated 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.

(Ord. of 3-7-91)

Section 5. Activities regulated by the state.

5.1. In addition to any permit or approval required by the commission, 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 G.S. §§ 22a-401--22a-410, as amended;
- b. Construction or placement of any obstruction within stream channel encroachment lines pursuant to G.S. §§ 22a-342--22a-349, as amended;
- c. Construction or placement of any structure or obstruction within the tidal, coastal or navigable waters of the state pursuant to G.S. §§ 22a-359--22a-363 or in designated tidal wetlands pursuant to G.S. §§ 22a-28--22a-35, as amended;
- d. Diversion of water in excess of 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 G.S. §§ 22a-365--22a-378, as amended;
- e. Discharges into the waters of the state pursuant to G.S. § 22a-430, 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, (1) after an advisory decision on such license or permit has been rendered to the commissioner of environmental protection by the wetlands commission of the municipality within which such wetland is located or (2) 35 days after receipt by the commissioner of environmental protection of such application, whichever comes first.

5.3. The commissioner of environmental protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to G.S. §§ 22a-28--22a-35.

Section 6. Regulated activities to be licensed.

6.1. *[Permit required.]* All regulated activities conducted in inland wetlands and/or watercourses and within 100 feet of said wetlands and watercourses, shall require a permit. No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Inland Wetlands, Watercourses and Conservation Commission of the City of Norwich.

6.2. *[Right of free access.]* Commission members and their designated agent(s) shall have the right of free access to any part of the property involved in a permit application under these regulations.

6.3. *[Regulation of operations.]* The commission shall regulate any operation within a regulated area or use of a wetland or watercourse involving, but not limited to, 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 nonregulated pursuant to section 4 of these regulations.

6.4. *[Enforcement and penalties.]* Any person found to be conducting or maintaining a regulated activity without the prior authorization of the City of Norwich Inland Wetlands, Watercourses and 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. *[Generally; time limitation.]* Any person wishing to undertake a regulated activity shall apply for a permit on a form prescribed by the commission. The application shall contain all information that is necessary for a fair and informed determination of the issue.

a. All applications shall be filed with the City of Norwich planning department three weeks prior to the commission meeting in order for the application to be included on the agenda of the next regularly scheduled meeting. Applications will be accepted until 12:00 noon on the deadline date for submission.

b. The designated agent of the commission may review and approve applications to conduct buffer area activities as defined in section 28.1 of these regulations. If, however, the agent determines that any buffer area activity may impact wetlands or watercourses, the individual proposing such activity shall apply to the commission for a permit under the provisions of sections 7 through 12 of these regulations.

7.2. *[Required information.]* The following information shall be included as part of the application:

a. Application form titled "Application To Conduct A Regulated Activity Within An Inland Wetland Or Watercourse Area in the City of Norwich" and fee as prescribed in section 19 of these regulations.

b. If on-site septic disposal systems are to be installed, the Uncas Health District shall review the plans prior to submission of the application. A review letter from the Uncas Health District shall accompany all such applications.

c. Letters of review from outside agencies having authority over the application, i.e., department of environmental protection.

d. Drainage calculations prepared in accordance with the "Connecticut Guidelines for Soil Erosion and Sediment Control," environmental assessment reports and other documentation necessary for the commission to make an informed decision on the application (two sets).

e. Certification that the applicant and property owner are familiar with the information provided in the application and are aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information.

f. If the applicant does not own the property, written consent from the property owner authorizing the submission of the application.

g. Submission of the "Statewide Inland Wetland Activity Reporting Form" as provided by the commission.

h. Documentation of the notification of abutting town(s) where a regulated activity is proposed within 500 feet of an abutting municipality, where applicable, and in accordance with section 8.1 of these regulations.

i. The applicant shall certify whether or not the following conditions exist:

1. Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
 2. Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
 3. Sewer or water drainage from the project site will flow through and impact the sewage or drainage 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.
- j. The applicant shall certify whether any portion of the proposed activity is within the watershed of a water company pursuant to section 8.3 of these regulations.
- k. Documentation of the notification of the water company, if applicable, pursuant to section 8.3 of these regulations.
- l. A plan prepared in accordance with section 7.3 of these regulations.
- m. If a significant activity is proposed, the additional information in section 7.4 of these regulations shall be provided.

7.3. *[Plans; required information.]* The application shall be accompanied by six sets of a plan prepared by a registered land surveyor and/or professional engineer (whichever is applicable) licensed in the State of Connecticut, drawn at a scale of 1" = 40', or other scale acceptable to the commission, on sheets not larger than 24" X 36" including ruled margins. The plan shall include the following information:

1. The existing and proposed conditions on the property in relation to the inland wetlands and watercourses.
2. Title block containing the following information: legal name of the owner, legal name of the applicant if different from the owner, project name, zone district, use proposed, street address, scale and date of plan.
3. A geographic location map at a minimum scale of 1 inch = 1000' showing the location of the site.
4. Computation of the area(s) in acres or square feet of wetland or watercourse disturbance, soil types and vegetation.
5. The purpose and description of the proposed activity.
6. Topographic map prepared and certified by a licensed land surveyor or professional engineer registered in the State of Connecticut.
7. Contours at two-foot intervals with spot elevations at high and low points for relatively level land and at five-foot intervals for rough and rolling land on the site and approximate contours within 100 feet of the boundary lines.
8. Boundary survey, the accuracy to be determined by the commission.
9. The location of all wetlands and watercourses as defined in section 2 of these regulations.
10. Certification and signature by a certified soil scientist that all inland wetlands and watercourses present on the site and within 100 feet of the boundary lines are indicated on the plan (approximate location of the wetlands outside of the boundary lines).
11. Location of all existing and proposed drainage within the limits of the site and within 100 feet of the boundary lines (approximate location outside of the boundary lines).
12. Location of all existing buildings, structures, and utilities within the site and within

100 feet of the boundary lines, including their proposed removal, demolition, relocation, or retention (approximate location outside of the boundary lines).

13. Locations and widths of all existing and proposed right-of-ways and easements within the site and within 100 feet of the boundary lines (approximate location outside of the boundary lines).

14. Wooded areas indicated by foliage lines, recognized landmarks, rock outcroppings, and other significant physical features within the site and within 100 feet of the boundary lines (approximate location outside of the boundary lines).

15. Location, nature, and extent of all proposed construction, including all areas to be disturbed.

16. Location of all areas where material is intended to be deposited or removed and a proposed grading plan.

17. Utility mains and services.

18. Building setback lines (front, side and rear yards).

19. Seal and signature of professional engineer and land surveyor, original signatures shall be provided.

20. Location of the floodplain.

21. Symbol identification.

22. Location and description of all measures to be taken to control erosion and sedimentation. Such measures shall be in conformance with the "Connecticut Guidelines for Soil Erosion and Sediment Control."

23. If the proposed activity is located in a wetland, the soil types within 100 feet of the proposed activity shall be identified consistent with the soil categories established by the National Cooperative Soils Survey of the U.S. Conservation Service.

24. The location, depth, and results of all test pits and percolation tests which shall be certified by a licensed engineer and shall be witnessed by a representative of the Uncas Health District.

25. Names and addresses of the property owners within 100 feet of the site.

26. Any other information the commission deems necessary for a fair and informed determination of the issues.

27. The commission may waive some of the requirements depending upon the proposed use and its effect on the inland wetlands and watercourses.

7.4. *[Additional information for significant activities.]* If the proposed activity involves a significant activity as determined by the commission, and defined in section 2.1.32. of these regulations, additional information, based on the nature and anticipated effects of the activity, including, but not limited to, the following, may be required by the commission:

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

2. Description of the ecological communities and functions of the wetlands or watercourses involved with the application, such report shall be prepared by a qualified wetland specialist.

3. Description of how the proposed regulated activity will affect the described ecological communities and wetland functions, such report shall be prepared by a qualified wetland specialist.

4. Alternatives considered by the applicant and why the proposal to alter wetlands set forth in the application was chosen. The commission may require the applicant to submit site plans or drawings detailing the alternatives.

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

6. Analysis of chemical or physical characteristics of any fill material.

7. 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, sedimentation and obstruction of drainage, or which otherwise safeguard water resources.

7.5. *[Request for extension.]* Any request to extend the expiration date of a previously issued permit (see section 11.7) shall be filed with the commission not later than 65 days prior to the expiration date for the permit. Any request for renewal or extension shall be made in accordance with this section, provided:

a. The request may incorporate by reference the documentation and record of the original application;

b. The request shall state the reason why the authorized activities were not initiated or completed within the time specified in the permit;

c. The request 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 commission may accept an untimely request 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 request shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit.

e. The commission shall evaluate the request pursuant to section 10 of these regulations and grant the request as filed, grant it with any terms or limitations, or deny it without prejudice with respect to the filing of a new permit application.

7.6. *[Application for buffer area activity.]* Any person wishing to undertake a buffer area activity shall apply for an administrative approval on an application form prescribed by the commission. The application shall contain all information that is necessary for a fair and informed determination of the issue. The application shall be prepared in conformance with sections 7.2 and 7.3 of these regulations. The agent may waive one or more of the requirements depending upon the proposed use and its effect on the inland wetlands and/or watercourses. Such applications may be referred to other municipal departments, the U.S. Soil Conservation Service, or the Uncas Health District for review and comment.

a. The designated agent shall provide a monthly report to the commission listing the administrative approvals for buffer area activities and permit transfers granted by the agent during a given month.

(Ord. of 3-7-91)

Section 8. Application procedures.

8.1. *[Notification of adjacent communities by applicant.]* If a regulated activity is proposed upon a wetland or watercourse, any portion of which is located within 500 feet of the boundary of Franklin, Bozrah, Sprague, Lisbon, Preston or Montville, the applicant shall give written notice, in accordance with G.S. § 22a-42c, of the proposed activity, by certified mail, return receipt requested, to the adjacent municipal wetlands commission on the same day of filing an inland wetlands permit application with the City of Norwich Inland Wetlands, Watercourses and Conservation Commission. Documentation of such notice shall be provided to the commission in accordance with G.S. § 22a-42c.

8.2. *[Notice of pendency.]* The commission shall, in accordance with G.S. § 22a-42b, notify the clerk of any adjoining municipality of the pendency of any application to conduct a regulated activity when:

- a. Any portion of the property on which the regulated activity is proposed is located within 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 runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Notice of the pendency of such application shall be made by registered mail and shall be mailed within seven days of the date of receipt of the application.

8.3. *[Notice of application to water companies.]* 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 G.S. § 16-1, 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 the hearing on the application. Documentation of such notice shall be provided to the commission.

8.4. *[Day of receipt.]* The day of receipt of any application shall be the day of the next regularly scheduled meeting of the commission immediately following the day of submission to the commission, provided such meeting is no earlier than three business days after receipt or 35 days after such submission, whichever is sooner. The day of submission and the day of the meeting are not included in the count.

8.5. *[Requirement of additional information.]* 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.

8.6. *[Public inspection.]* All applications shall be open for public inspection.

8.7. *[Denial of incomplete application.]* Incomplete applications may be denied by the commission.

Section 9. Public hearings.

9.1. *[Generally.]* The commission may hold a public hearing upon its determination that the

proposed activity will have a significant impact on wetlands or watercourses. A public hearing may be held on applications which do not involve significant activities if the commission determines it is in the public interest. Any person may appear and be heard at any public hearing within the format outlined by the commission for said hearing.

9.2. *[Completion of hearings.]* The hearing shall be completed within 45 days of its commencement. The commission shall take action on the application within 35 days after the completion of the public hearing.

9.3. *[Notice.]* Notice of the public hearing shall be published at least twice at intervals of not less than two days, the first not more than 15 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 wetlands and watercourses are located.

9.4. *[Hearing upon nonreceipt of notice of pendency of application.]* In the case of any application which is subject to the notification provisions of sections 8.2 and 8.3 of these regulations, a public hearing shall not be conducted if the clerk of the adjoining municipality(s) and the water company(s) have not received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record.

9.5. *[Statement describing proposed application.]* At least 15 days prior to the date of the public hearing, the applicant shall mail, postage prepaid, or deliver a copy of a statement describing the location, size and nature of the proposed application to all owners of record of lots located adjacent to or abutting on the boundaries of the property or located on the other side of the street opposite the property, as such owners appear on the last completed grand list, at the addresses shown thereon. The applicant shall provide proof of such notification to the commission prior to the public hearing. The mailing date and the hearing dates are not included in the 15-day count.

Section 10. Considerations for decision.

10.1. *[Considerations in general.]* The commission may consider the following in making its decision on an application:

- a. The application and its supporting documentation, any such documentation shall be prepared by a qualified individual;
- b. Public comments, evidence and testimony;
- c. Reports from other municipal officials, agencies, and commissions;
- d. The commission may also consider comments on any application from the New London County Soil and Water Conservation District, the Southeastern Connecticut Regional Planning Agency or other regional organizations, 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. Nonreceipt of comments from agencies and commissions listed above within the prescribed time shall neither delay nor prejudice the decision of the commission.

10.2. *Standards and criteria for decision.* The commission shall consider all relevant facts and circumstances in making its decision on any application for a permit, including, but not limited to, the following:

- a. The environmental impact of the proposed action, including the effects on the inland wetland's and watercourse's capacity to support fish and wildlife, to prevent flooding, to supply and protect surface and groundwaters, to control sediment, to facilitate drainage, to control pollution, to support recreational activities, and to promote public health and safety;

b. The alternatives to the proposed action including a consideration of alternatives which might enhance environmental quality or have a less detrimental effect, and which could feasibly attain the basic objectives of the activity proposed in the application. This consideration should include, but is not limited to, the alternative of requiring actions of a different nature which could provide similar benefits with different environmental impacts, such as using a different location for the activity;

c. The relationship between the short-term uses of the environment and the maintenance and enhancement of long-term productivity, including consideration of the extent to which the proposed activity involves tradeoffs between short-term environmental gains at the expense of long-term losses, or vice versa, and consideration of the extent to which the proposed action forecloses or predetermines future options;

d. Irreversible and irretrievable commitments of resources which would be involved in the proposed activity. This requires recognition that the inland wetlands and watercourses of the City of Norwich are an indispensable, irreplaceable and fragile natural resource, and that these areas may be irreversibly destroyed by deposition, filling, and removal of material, by the diversion, diminution or obstruction of water flow including low flows, and by the erection of structures and other uses;

e. The character and degree of injury to, or interference with, safety, health, or the reasonable use of property, including abutting or downstream property, which would be caused or threatened by the proposed activity, or the creation of conditions which may do so. This includes recognition of potential damage from erosion, turbidity, or siltation; loss of fish and wildlife and their habitat; loss of unique habitat having demonstrable natural scientific or educational value; loss or diminution of beneficial aquatic organisms and wetland plants; the dangers of flooding and pollution, and the destruction of the economic, aesthetic, recreational and other public and private uses and values of wetlands and watercourses to the community;

f. The suitability of the activity to the area for which it is proposed. This requires a balancing of the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology for the people of the state and the benefit of generations yet unborn;

g. Measures which would mitigate the impact of any aspect of the proposed regulated activity(s). Such measures include, but are not limited to, actions which would avoid adverse impacts or lessen impacts to wetlands and watercourses and which could be feasibly carried out by the applicant and would protect or enhance the natural capacity of the wetlands or watercourses to support fish and wildlife, prevent flooding, supply water, control sedimentation, prevent erosion, assimilate wastes, facilitate drainage, control pollution, support recreation activities and open space, and promote public health and safety.

10.3. *[Issuance.]* In the case of any application which received a public hearing, a permit shall not be issued unless the commission finds that the proposed alteration or destruction of wetlands or watercourses is unavoidable and that a feasible and prudent alternative to the alteration or destruction of wetlands or watercourses does not exist. In making this finding, the commission shall consider the facts and circumstances set forth in section 10 of these regulations. This finding and the reasons therefor shall be stated on the record in the decision of the commission.

10.4. *[Basis for decision.]* 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.

Section 11. Decision process and permit.

11.1. *[Options of commission.]* The commission 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. *[Action on applications.]* No later than 65 days after receipt of an application, the commission may hold a public hearing on such application. The hearing shall be completed within 45 days of its commencement. Action shall be taken on applications within 35 days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within 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, or may withdraw such application. 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 must either be withdrawn by the applicant or denied by the commission.

11.3. *[Record of reasons and basis for decision.]* The commission shall state upon its record the reasons and basis 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. *[Notification and publication of decision.]* The commission shall notify the applicant and any named parties to the proceeding of its decision within 15 days of the date of the decision by certified mail, return receipt requested, and the commission shall cause notice of its order in the issuance or denial of the permit to be published in a newspaper having general circulation in the City of Norwich wherein the inland wetland or watercourse lies. In any case in which such notice is not published within such 15-day period, the applicant may provide for the publication of such notice within ten days thereafter.

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

11.6. *[Resubmittal.]* If the commission 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.

11.7. *[Renewal.]* The duration of any permit shall be for two years unless otherwise specified in the permit or extended by the commission. Permit renewal and extension shall be at the discretion of the commission and may be subject to the calling of an additional public hearing. All permits shall expire upon the completion of the acts specified therein.

a. The duration of any administrative approval shall be for two years unless otherwise specified in the approval or extended by the commission or its designated agent. The renewal or extension shall be at the discretion of the commission or its agent and may be subject to the submission of additional information or the submission of a formal application to the commission.

11.8. *[Bond and insurance.]* If 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.

11.9. *General provisions in the issuance of all permits:*

- a. If the commission relied in whole or in part on information provided by the applicant, and 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 Norwich, and convey no rights in real estate or material, nor any exclusive privileges, and are further subject to any and all public and private rights, and to any federal, state, and municipal laws or regulations pertinent to the property or activity.
- c. If the activity authorized by the inland wetlands permit also involves an activity or a project which requires approval by the commission on the city plan, a variance, a special exception, or zone change, work pursuant to the inland wetlands permit may not begin until such approval(s) is obtained.
- d. The permittee shall take necessary steps consistent with the terms and conditions of the permit to control stormwater discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.
- e. Permits are not transferable without prior written consent of the commission or its designated agent.

(Ord. of 3-7-91)

Section 12. Bond, insurance and conservation easement.

12.1. *[Bond or surety may be required.]* Prior to approval of the application and prior to issuance of a permit, the applicant may, at the discretion of the commission, be required to file a bond or other surety in a form approved by the commission. Form, sufficiency and manner of execution of either cash or surety bonds shall be approved by the corporation counsel prior to acceptance by the commission and any such bond shall not expire without written approval of the commission upon satisfactory completion of improvements.

12.2. *[Conditioned on compliance.]* 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. *[Certification of public liability insurance.]* 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 wetland or watercourses, covering any and all damage which might occur within two years of completion of such operations, in an amount to be determined by the commission commensurate with the regulated activity.

12.4. *[Dedication of conservation easement.]* The applicant may, at the discretion of the commission, be required to dedicate a conservation easement in a form acceptable to the commission to protect, maintain and conserve the inland wetlands and watercourses in its natural state.

Section 13. Enforcement.

13.1. *[Authority to appoint inspection agent.]* The commission may appoint an agent or agents to act in its behalf with the authority to inspect property, except a private resident, 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. *[Authority to inspect.]* The commission 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. *[Action of commission upon violation.]* If the commission or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these regulations, the commission or its duly authorized agent may:

a. Issue a written notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the commission, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in regulated areas. The commission may request that the individual appear at the next regularly scheduled meeting of the commission to discuss the unauthorized activity, and/or provide a written reply to the notice, or file an application for the necessary permit. Failure to carry out the action(s) directed in the notice of violation may result in the issuance of the order provided in subsection 13.3.b. of these regulations, or other enforcement proceedings as provided by law.

b. Issue a written formal notice of violation and/or cease and desist order by certified mail, return receipt requested, and if so desired, sheriff delivery to such person(s) conducting such activity or maintaining such facility or condition. Within ten days of the issuance of such order, the commission shall hold a hearing to provide the person an opportunity to be heard and shall show cause why the order should not remain in effect. The commission shall consider the facts presented at the hearing and, within ten 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 original order shall be effective upon issuance and shall remain in effect until the commission affirms, revises or withdraws the order. The issuance of an order pursuant to this section shall not delay or bar an action pursuant to G.S. § 22a-44(b), as amended. The commission shall publish notice of its decision in a newspaper having general circulation in the municipality.

c. Suspend or revoke a permit if it finds that the permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking or suspending any permit, the commission shall issue notice to the permittee, by certified mail, and if so desired, sheriff delivery, return receipt requested, setting forth the facts or conduct which warrant the intended action. The commission shall hold a hearing to provide the permittee an opportunity to show compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the commission's decision to suspend, revoke, or maintain a permit by certified mail within 15 days of the date of its decision. The commission shall cause notice of the revocation or suspension of a permit in a daily newspaper having general circulation in the municipality wherein the wetland or watercourses lies within 15 days of the decision.

13.4. *[Penalty for violation.]* Any person who commits, takes part in, or assists in any violation of any provisions of these regulations, or as otherwise set forth in said statutes in G.S. §§ 22a-36--22a-45, as amended, shall be fined not more than \$1,000.00 and/or be imprisoned for not more than six months for each offense. Each violation shall be a separate and distinct offense, and, in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense.

13.5. *[Petition of Superior Court.]* The commission may petition the Superior Court, in accordance with G.S. § 22a-44(b), as amended, to restrain continuing violation, to correct or remove violation, and to assess damages in an amount necessary to effect restoration of the affected wetlands and watercourses.

13.6. *[Burden of proof.]* Any person disputing the location of a wetland or watercourse as

defined in these regulations shall bear the burden of proof pursuant to section 14.3 of these regulations.

Section 14. Amendments.

14.1. *[Permission to amend.]* These regulations and the "Official Inland Wetlands and Watercourses Map of the City of Norwich, Connecticut" 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.

14.2. *[Manner of amendment.]* These regulations and the "Official Inland Wetlands and Watercourses Map of the City of Norwich, Connecticut" shall be amended in the manner specified in G.S. § 22a-42a, 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 map amendments, pursuant to subsection 14.3 of this section, at least 35 days before the public hearing on their adoption.

a. An application filed with the commission which is in conformance with the applicable inland wetlands and watercourses regulations as of the date of the decision of such commission with respect to such application shall not be required thereafter to comply with any change in inland wetlands and watercourses regulations (or boundaries), including changes to setbacks and buffers, taking effect on or after the date of such decision; and any appeal from the decision of such commission with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such decision. 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 G.S. ch. 440 as of the date of such decision.

14.3. *[Required information for amendment petitions.]* Petitions requesting changes or amendments to the "Official Inland Wetlands and Watercourses Map of the City of Norwich, Connecticut" shall contain at least the following information:

- a. The applicant's 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;
- d. The geographic location of the property involved in the petition including a description of the land in sufficient detail to allow identification of the disputed wetland or watercourse areas;
- e. The reasons for the requested action;
- f. The names and addresses of adjacent property owners; and
- g. A site plan showing proposed development of the property.

14.4. *[Documentation by soil scientist.]* The commission may require the petitioner to present documentation by a certified soil scientist that the land in question does not contain a soil type classified by the National Cooperative Soils Survey as poorly drained, very poorly drained, alluvial, or floodplain. Such documentation includes a map of the land in question, signed by a soil scientist on which flag locations defining the boundaries of the regulated soil types are depicted.

14.5. *[Delineation of watercourses by competent individual.]* Watercourses shall be delineated by a competent soil scientist, geologist, ecologist or other individual satisfactory to the commission.

14.6. *[Notice of public hearing.]* A public hearing shall be held on petitions to amend the "Official Inland Wetlands and Watercourses Map of the City of the Norwich." 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 25 days nor less than 15 days, and the last not less than two days before such hearing. A copy of such proposed boundary change shall be filed in the office of town clerk for public inspection at least ten days before such hearing.

14.7. *[Notification of property owners.]* At least 15 days prior to the date of the public hearing, the petitioner shall mail, postage prepaid, or deliver a copy of a statement describing the location, size and nature of the proposed amendment to all owners of record of lots located adjacent to or abutting on the boundaries of the property, or located on the other side of the street opposite the property, as such owners appear on the last completed grand list, at the address shown thereon. The petitioner shall provide proof of such notification to the commission prior to the public hearing. The mailing date and the hearing date are not included in the 15-day count.

14.8. *[Public hearing.]* Within 90 days after receipt of a petition for a change in the mapped boundaries of any wetland or watercourse, the commission shall hold a public hearing to consider the petition. The public hearing shall be concluded within 45 days. The commission shall act upon the changes requested in such petition within 60 days after the hearing is closed. The petitioner 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 petition, provided the total extension of any such period shall not be for longer than the original period as specified in this subsection, or may withdraw such petition. 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 petition.

14.9. *[Decision of commission reduced to writing.]* The commission shall make its decision in writing and state the reasons why the change in the "Official Inland Wetlands and Watercourses Map of the City of Norwich, Connecticut" was made.

14.10. *[Application of provisions.]* The provisions of this section shall not apply in the case of a comprehensive remapping of the City of Norwich by the commission.

Section 15. Appeals.

15.1. Appeal on actions of the commission shall be made in accordance with the provisions of G.S. § 22a-43, as amended.

15.2. Notice of such appeal shall be served upon the commission 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.

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 Norwich, State of Connecticut, and of the United States Government 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. Assessment relief.

18.1. Any owner of wetlands and watercourses who may be denied a permit in connection with the regulated activity affecting such wetlands and watercourse, shall, upon written application to the Assessor of the City of Norwich, be entitled to a revaluation of such property to reflect the fair market value thereof in light of the restriction placed upon it by the denial of such permit. The revaluation shall be effective with respect to the next succeeding assessment list, provided no much revaluation shall be affected retroactively.

Section 19. Application fees.

19.1. *[Submission.]* All fees required by these regulations shall be submitted to the commission in the form of a check made payable to the tax collector of the City of Norwich.

19.2. *[Application deemed incomplete without fee.]* No application shall be deemed complete or accepted by the commission unless the correct application fee is paid in full or unless a waiver has been granted by the commission pursuant to subsection 19.4 of these regulations.

19.3. *[Fee schedule.]* Application fees shall be based on the following schedule:

- a. Permitted and nonregulated use--Section 4 of these regulations.

Permitted as of right . . . No Charge

Nonregulated use . . . No Charge

Buffer area activities . . . \$ 50.00

- b. Regulated use--Section 6 of these regulations.

Residential uses . . . 100.00

Commercial, industrial and multifamily as defined in the City of Norwich Zoning Regulations . . . 125.00

c. Other uses . . . 125.00

d. Public hearings . . . 150.00

e. Official Inland Wetlands Map amendment petitions . . . 150.00

f. Modification of previous approval . . . 50.00

g. Request to extend the expiration date of a previously issued permit . . . 50.00

(Ord. of 3-7-91)

19.4. *Fee exemptions.* All boards, commissions, and departments of the City of Norwich are exempt from all application fee requirements.

Section 20. Records retention and disposition.

20.1. The commission and the city clerk for the City of Norwich shall retain complete administrative records of commission actions and dispose of such records in accordance with the retention/disposition schedules set forth in subsection 20.2.

20.2. The public records administrator of the Connecticut State Library established the following new records retention/disposition schedules for municipal inland wetlands commissions effective April 24, 1989.

RECORD TITLE MINIMUM RETENTION REQUIRED

TABLE INSET:

	Commission	City Clerk
Applications (including supporting materials)	10 years	--
Decision Letters	10 years	Permanent
Approved Site Plans	10 years	--
Legal Notices	10 years	Permanent
Staff and Public Written Testimony (Hearing Records)	10 years	--
Minutes of Meeting and Public Hearings	15 years	Permanent
Tapes, Audio--Inland Wetland Matters	4 years	--
Notices of Violation and Orders	10 years	--
Text of Changes Adopted in Regulations	Continuous Update/Permanent	--
General Correspondence Issued or Received	5 years	--

Section 21. Effective date.

21.1. These regulations, application forms, fee schedule and amendments thereto amend and supersede regulations established and amended by ordinances of the Norwich City Council beginning with Ordinance 717, adopted July 1, 1974. These amended regulations are effective January 1, 1990.