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INLAND WETLAND REGULATIONS

SECTION 1 –TITLE AND AUTHORITY

- 1.1** The inland wetlands and watercourses are fragile, indispensable, and irreplaceable natural resources with which the citizens of the State of Connecticut 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, 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 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 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 Borough of Naugatuck".
- 1.3** The Inland Wetland and Watercourses Commission of the Borough of Naugatuck was established in accordance with Ordinance #57 amended through 11/10/98 by the Board of Mayor and Burgesses and shall implement the purposes and provisions of the Inland Wetland and Watercourses Act in the Borough of Naugatuck.
- 1.4** These Regulations have been adopted and may be amended, from time to time, in accordance with the provisions of the Inland Wetlands and Watercourses Act and these Regulations.

- 1.5** The Commission shall enforce all provisions of the Inland Wetlands and Watercourses Act and shall issue, issue with modifications, and deny permits for all regulated activities on inland wetlands and watercourses in the Borough of Naugatuck pursuant to Sections 22a-36 to 22a-45, inclusive of the Connecticut General Statutes (C.G.S.), as amended.
- 1.6** The Commission shall review Sediment and Erosion Control plans in accordance with the procedures outlined in the Naugatuck Subdivision Regulations, and the Naugatuck Zoning Regulations. The Commission may make written referrals to the Planning Commission, Zoning Commission, and Zoning Board of Appeals regarding Sediment and Erosion Control, as necessary, when those commissions request a written certification.
- 1.7** The Commission may review any application from any other agency on referral.

SECTION 2 – DEFINITIONS

The following items are defined for use in these regulations:

- 2.1** ACT means the Inland Wetlands and Watercourses Act, C.G.S. Sections 22a-36 through 22a-45, as amended.
- 2.2** ALLUVIUM is material such as sand, silt or clay deposited on land by watercourses.
- 2.3** BEST MANAGEMENT PRACTICES (BMP's) are any practice, operation, or device to minimize or mitigate the impact of development on wetlands, watercourses, or overall watersheds due to polluted storm water runoff.
- 2.4** BOGS are usually distinguished by evergreen trees and shrubs underlain by peat deposits, poor drainage, and highly acidic conditions.
- 2.5** CLEAR-CUTTING means the harvest of timber in a fashion which removes all trees down to a two (2) inch diameter at breast height.
- 2.6** COMMISSION means the Inland Wetlands and Watercourses Commission of the Borough of Naugatuck.
- 2.7** COMMISSION MEMBER means a member of the Inland Wetlands and Watercourses Commission of the Borough of Naugatuck.
- 2.8** COMMISSIONER OF ENVIRONMENTAL PROTECTION means the commissioner of the State of Connecticut Department of Environmental Protection.
- 2.9** CONTINUAL FLOW means a flow of water, which persists for an extended period of time. This flow may be interrupted during periods of drought or during the low flow period of the annual hydrological cycle, June through September, but it recurs in prolonged succession.
- 2.10** DEPOSIT includes, but shall not be limited to fill, grade, dump, place, discharge or emit.
- 2.11** DESIGNATED AGENT means an individual designated by the Commission to carry out its functions and purposes. This is typically the Wetlands Enforcement Officer.
- 2.12** DETRITUS means fragments of rock, etc., produced by disintegration or wearing away.
- 2.13** DISCHARGE means emission of any water, substance, or material into wetlands or watercourses whether or not such substance causes pollution.
- 2.14** DISTURBING THE NATURAL AND INDIGENOUS CHARACTER OF THE LAND means that the activity will significantly alter the inland wetland and watercourse 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.
- 2.15** ESSENTIAL TO THE FARMING OPERATION means that the proposed activity is necessary and indispensable to sustain farming activities on the farm.

- 2.16** FARMING means use of land for the growing of crops, raising of livestock or other agricultural use.
- 2.17** FEASIBLE means able to be constructed or implemented in a manner that is consistent with sound engineering principles.
- 2.18** HYDOPHYTIC VEGETATION is a perennial plant that grows in water or soil that is too waterlogged for most plants to survive.
- 2.19** INTERMITTENT WATERCOURSE means those waterways, which are characterized by non-persistent flow. For purposes of these regulations, intermittent watercourses are delineated by two or more of the following characteristics:
- 2.19.1** A defined permanent channel with the evidence of scour or deposits of recent alluvium or detritus.
- 2.19.2** 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.
- 2.19.3** The presence of, or ability to support the growth of hydrophytic vegetation.
- 2.20** LICENSE means the whole or any part of any permit, certificate of approval or similar form of permission that may be required of any person by the provisions of these regulations under the authority of the Commission.
- 2.21** 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 (6) inches or more in depth are common.
- 2.22** MATERIAL means any substance, solid or liquid, organic or inorganic, including but not limited to: soil, sediment, aggregate, land, gravel, clay, bog, peat, mud, debris, sand, refuse or waste.
- 2.23** MUNICIPALITY means the Borough of Naugatuck, New Haven County, Connecticut.
- 2.24** NURSERIES means land used for propagating trees, shrubs or other plants for transplanting, sale or for use as stock for grafting.
- 2.25** 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, or other Borough of Naugatuck regulations, that is under the authority of the Commission.
- 2.26** PERMITTEE means the person to whom such permit has been issued.
- 2.27** PERSON means any person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

- 2.28** POLLUTION means harmful thermal effect or the contamination or rendering unclean or impure of any waters of the Borough of Naugatuck by reason of any waste or other materials discharged or deposited therein or within ~~fifty (50)~~ one hundred (100) feet of its boundary by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing or excavation activity.
- 2.29** PRUDENT means economically or otherwise reasonable in light of the social benefits to be derived from the proposed regulated activity. While cost may be considered as part of this review, the mere showing of expense will not necessarily mean that an alternative is not prudent.
- 2.30** 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 found in C.G.S. Section 22a-40, as amended. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing, or removing of material and discharging of storm water on the land within one hundred (100) feet measured horizontally from the boundary of any wetland or watercourse is a regulated activity. The agency may rule that any other activity located within such upland review area or in any other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.
- 2.31** REGULATED AREA means any wetlands or watercourses as defined in these regulations.
- 2.32** REMOVE includes, but shall not be limited to: drain, excavate, mine, dig, dredge, suck, grub, clear-cut timber, bulldoze, drag line or blast.
- 2.33** RENDERING UNCLEAR 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.
- 2.34** SEDIMENT AND EROSION CONTROL means any planning, design, practice, operation, or device to prevent or minimize damage for accelerated erosion and sedimentation due to construction or development activities, including on-going activities not associated with permitted construction.
- 2.35** SILVICULTURE means a branch of forestry dealing with the care and development of forests.
- 2.36** SIGNIFICANT IMPACT ACTIVITY means any activity, including, but not limited to, the following activities, which may have a major effect on the area for which an application has been filed or on another part of the inland wetland or watercourse system:
- 2.36.1** 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
- 2.36.2** Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system, or

- 2.36.3** 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
- 2.36.4** Any activity which causes substantial turbidity, siltation or sedimentation in a wetland or watercourse, or
- 2.36.5** Any activity which causes a substantial diminution of flow of a natural watercourse, or groundwater levels of the regulated area, or
- 2.36.6** Any activity which causes or has the potential to cause pollution of a wetland or watercourse, or
- 2.36.7** Any activity which destroys unique wetland or watercourse areas, having demonstrable scientific or educational value.
- 2.37** SOIL SCIENTIST means an individual duly qualified in accordance with standards set by the Federal Office of Personal Management.
- 2.38** STORM WATER MANAGEMENT means any planning, design, practice, operation, or device used to provide drainage or mitigate the impacts of increased runoff due to development, including runoff from on-going activities not associated with permitted construction.
- 2.39** SWAMPS are areas with soils that exhibit aquic moisture regimes and are dominated by wetland trees and shrubs.
- 2.40** SUBMERGED LANDS means those lands, which are inundated, by water on a seasonal or more frequent basis.
- 2.41** WASTE means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the waters of the Borough of Naugatuck.
- 2.42** 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 municipality or any portion thereof not regulated pursuant to C.G.S. Sections 22a-28 through Section 22a-35, inclusive and as amended.
- 2.43** WATERSHED means the total upland and wetland area that drains to a wetland or watercourse. Smaller watersheds drain into the overall watersheds for larger watercourses.
- 2.44** WETLANDS means land, including submerged land not regulated pursuant to C.G.S. Section 22a-28 through Section 22a-35, inclusive and as amended, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the National Resources Conservation Service of the United States Department of Agriculture.

SECTION 3 - INVENTORY OF REGULATED AREAS

- 3.1** The map of regulated areas, entitled "Inland Wetlands and Watercourses Map, Borough of Naugatuck, Connecticut," delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection in the Offices of the Town Clerk, the Borough Clerk or the Naugatuck Land Use Office. In all cases, the actual character of the land, the distribution of wetland soil types and locations of watercourses shall determine the precise location of regulated areas. Such determinations shall be made by field inspection and testing conducted by a Soils Scientist where soil classifications are required, or where watercourse determinations are required, by qualified individuals. The Commission may also use site inspection observation, aerial photography, remote sensing imagery, resource mapping, soils maps, or other information in determining the location of the boundaries of wetlands and watercourses.
- 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, Borough of Naugatuck may petition the Commission to change the designation, in accordance with Section 15 of these Regulations. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances, which support the change. The petitioner shall provide proof that the designation is inapplicable. The Commission may require the property owner to provide an accurate delineation of the Regulated Area in accordance with Section 15 of these Regulations.
- 3.3** The Commission or its designated agent(s) shall inventory and maintain current records of all regulated areas within the municipality. The Commission may amend its map from time to time as more accurate information becomes available. Any person may petition for an amendment to the Inland Wetlands and Watercourses Map, Borough of Naugatuck. The petitioners shall bear the burden of proof, such as noted in Section 3.1 of these Regulations, for all requested map amendments. Such map amendments are subject to the public hearing process outlined in Section 15 of these Regulations.

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

- 4.1** The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:
- 4.1.1** 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 of 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 operations, 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;
 - 4.1.2** 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 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 C.G.S. Section 22a-42a, or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subsection unless the building permit was obtained on or before July 1, 1987. The individual claiming a use of wetlands permitted as a right under this subsection shall document the validity of said right by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, septic system, driveway, approval dates or other necessary information to document his entitlement;
 - 4.1.3** Boat anchorage or mooring, not to include dredging or dock construction;
 - 4.1.4** 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 Borough 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 regulated area, wetland or watercourse, or diversion or alteration of a watercourse;
 - 4.1.5** Construction and operation, by water companies as defined by C.G.S. Section 16-1, as amended, by a municipal water supply systems as provided for in C.G.S. Chapter 102, as amended, pertaining to dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in C.G.S. Sections 22a-401 and 22a-410, as amended.

- 4.1.6** Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations provided in C.G.S. Section 22a-42a on/or July 1, 1974, whichever is earlier, provided that the pipe is on residentially-zoned property and the property does not contain hydrophytic vegetation. For purposes of this section, “maintenance” means the removal of accumulated leaves, soil, or other debris by either hand or machine, while the pipe remains in place
- 4.2** The following operations and uses shall be permitted as non-regulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, significant clearing or other regulated activities in Regulated Areas, alteration or obstruction of water flow or pollution of the wetland or watercourse:
- 4.2.1** 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.
- 4.2.2** Outdoor recreation including the use of play and sporting areas, golf courses, field trials, and nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shell fishing and cross-country skiing where otherwise legally permitted and regulated.
- 4.3** All activities in wetlands or watercourses involving filling, 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** To carry out the purposes of this Section, any person proposing to carry out a permitted or non-regulated operation or use of a wetland or watercourse, which may disturb the natural and indigenous character of the land, 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 non-regulated use of the wetland or watercourse. The Commission or its Designated Agent shall rule that the proposed operation or use is a permitted or a non-regulated use or operation or that a permit is required. Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the Commission following the meeting at which the request was received. The Designated Agent may make such ruling on behalf of the Commission at any time.

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:
- 5.1.1** (Dam Safety Permit) Construction or modification of any dam pursuant to C.G.S. Sections 22a-401 through 22a-411, as amended.
 - 5.1.2** (Stream Channel Encroachment Permit) Construction, encroachment, or placement of any obstruction within stream channel encroachment lines pursuant to C.G.S. Sections 22a-342 through 22a-349a, as amended;
 - 5.1.3** (Tidal Wetlands Permit) Construction or placement of any structure or obstruction within the tidal, coastal or navigable waters of the State pursuant to C.G.S. Sections 22a-359 through 22a-363 or in designated tidal wetlands pursuant to C.G.S. Sections 22a-28 through 22a-35, as amended;
 - 5.1.4** (Water Diversion Permit) Diversion of water, including withdrawals of surface or groundwater in excess of fifty thousand (50,000) gallons per day or any piping, culverting, channelization, relocation, damming or other alteration of the location of any surface waters of the state where the tributary watershed area above the point of diversion is one hundred (100) acres or larger pursuant to C.G.S. Sections 22a-365 through 22a-378, as amended;
 - 5.1.5** Discharges into the waters of the state pursuant to C.G.S. Section 22a-430, as amended;
 - 5.1.6** (Water Quality Certificate) 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, pursuant to C.G.S. Sections 22a-39 or 22a-45a, as amended.
- 5.3** The Commissioner of Environmental Protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to C.G.S. Sections 22a-28 through 22a-35, as amended.
- 5.4** The Commissioner of Environmental Protection shall have exclusive jurisdiction over activities authorized under a Dam Repair Order issued under C.G.S. Section 22a-402, as amended or a Dam Construction Permit issued under C.G.S. Sections 22a-403 or 22a-41, as amended. Any person receiving such dam repair, removal order, or dam construction permit shall not be required to obtain a permit from a municipal wetlands agency for any action necessary to comply with that order or permit.

SECTION 6 –REGULATED ACTIVITIES TO BE LICENSED

- 6.1** No person shall conduct or maintain a Regulated Activity without first obtaining a permit for such activity from the Inland Wetlands Commission of the Borough of Naugatuck. Regulated Activity and Regulated Area are defined in Section 2 of these Regulations. Refer to the activities specified in Sections 4 and 5 of these Regulations for non-regulated activities.
- 6.2** Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Commission, or violating any other provision of these Regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 14 of these Regulations and any other remedies as provided by law.

SECTION 7 - APPLICATION REQUIREMENTS

- 7.1** Any person wishing to undertake a regulated activity shall apply for a permit on a form entitled "Borough of Naugatuck Inland Wetlands and Watercourses Commission Application for Permit." An application shall include an application form and such information as prescribed by Section 7.5 and, in the case of a significant activity, by Section 7.6 of these Regulations. Application forms may be obtained at the Naugatuck Land Use Office.
- 7.2** If an application to the Borough of Naugatuck Planning, Zoning, Zoning Board of Appeals, or Economic Development Commission for subdivision, re-subdivision, or site plan approval involves land containing wetlands or watercourses the applicant shall, in accordance with C.G.S. Sections 8-3(c) or 8-26, as applicable and as amended, submit an application to the Commission in accordance with this section. An application shall also be submitted to the Commission if there is Regulated Activity due to wetlands on adjacent property. The application shall be submitted before or on the same day as the application to the other commissions.
- 7.3** All applications shall contain such information as is necessary for a fair and informed determination of the issues by the Commission.
- 7.4** The Commission and the applicant may hold a pre-application meeting to determine whether or not the proposed application involves a significant activity.
- 7.5** All Applications shall include the following information in writing or on maps or drawings:
- 7.5.1** The applicant's name, home and business mailing addresses, telephone and fax numbers;
 - 7.5.2** The property owner's name, address and telephone number and written consent if the applicant is not the owner of the property involved in the application;
 - 7.5.3** Applicant's interest in the land (owner, agent, contract purchaser, etc.);
 - 7.5.4** A form from the Tax Collector's Office that all taxes, liens, charges, and fees due to the Borough of Naugatuck in accordance with Ordinance #108 have been paid (or have a schedule for repayment) by the property owner.
 - 7.5.6** The geographical location of the property which is to be affected by the proposed activity and 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, the total area of disturbed Regulated Area, soil type(s) and vegetation;

- 7.5.7** A written narrative stating the purpose and a description of the proposed activity, a detailed construction sequence that is unique to the property and project, and proposed erosion and sedimentation controls. The narrative shall also contain a description of other Storm Water Management, BMP's and mitigation measures, which may be considered as a condition of issuing a permit for the proposed regulated activity. This shall include measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, (3) restore, enhance, or create productive wetland or water resources (generally in that order of priority);
- 7.5.8** Alternatives considered by the applicant and why the proposal to alter wetlands set forth in the application was chosen. All alternatives should be described with a written narrative and diagrammed on a site plan or drawing. The extent of the alternatives analysis shall be relative to the significance of the impact. The Commission may decide that a project with a large wetland impact may require an extensive alternatives analysis while a smaller project requires a simple description;
- 7.5.9** The Commission, at its discretion may require a separate existing topographic survey in accordance with Borough of Naugatuck and State of Connecticut standards prepared by a Land Surveyor licensed in the State of Connecticut and typically certified to A-2/T-2 standards. The survey shall generally be drawn on a 24"x36" sheet at a scale of 1"=20', 30', or 40'. The survey shall show all the items listed in the above standards plus wetlands limits, flags and numbers, soil types, watercourses, a signature block for the Soils Scientist that identified the wetlands, obvious wetlands that are on adjoining property near the property line, water surface elevations and the date of location, floodplain limits and elevations, limits of vegetation and descriptions, significant trees, stone walls, ledge outcrops and erratic boulders, drainage systems and channels, utility poles and numbers, all easements, variances, and deed restrictions, and other unique site features.
- 7.5.10** A site plan showing the proposed activity and existing and proposed conditions in relation to wetlands and watercourses and identifying any further activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.
- 7.5.11** Names and addresses of adjacent property owners.
- 7.5.12** 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;
- 7.5.13** Authorization for the commissioners and agents of the Commission to inspect the property, at reasonable times, both before and after a final decision has been issued;
- 7.5.14** Any other information the Commission deems necessary to the understanding of what the applicant is proposing;
- 7.5.15** Submission of the appropriate filing fee based on the fee schedule established by the Board of Mayor and Burgesses, Borough of Naugatuck.

7.5.16 On a form provided by the Commission, the written narrative stating the purpose and description of the proposed activity (Section 7.5.7) and a location map at a scale of 1"=800', showing the location of the property in relation to exiting roads in the Borough.

7.5.17 The Commission, upon written request of the applicant and submitted with the original application and upon recommendation of the Wetland Enforcement Officer, may waive any application requirement per Section 7.5 of these Regulations, or part thereof, by a three-quarters (3/4) of the Commission members, when it finds that:

7.5.17.1 The granting of this waiver shall not have a significant adverse affect on adjacent property or on public health and safety.

7.5.17.2 The waiver shall not have the effect of nullifying the intent or purpose of these Regulations.

7.5.18 The Commission, in the granting of a waiver, shall consider the following conditions:

7.5.18.1 The likelihood the proposed activity having an adverse impact on a wetland or watercourse.

7.5.18.2 The nature of the wetland or watercourse.

7.5.18.3 The nature of the proposed activity.

7.5.18.4 The soils and slopes of the land.

7.6 If the proposed activity involves a significant activity as determined by the Commission and Section 2.28 of these Regulations, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following is required:

7.6.1 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;

7.6.2 Engineering reports and analyses and additional drawings to fully describe the proposed project and any filling, excavation, drainage or hydraulic modifications to watercourses and the proposed erosion and sedimentation control plan;

7.6.3 Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Soil conservation Service (the Commission 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);

7.6.4 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;

- 7.6.5** Descriptions 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;
 - 7.6.6** Analysis of chemical or physical characteristics of any fill material;
 - 7.6.7** 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 and sedimentation and obstruction of drainage, or which otherwise safeguard water resources.
- 7.7** The applicant shall certify whether:
- 7.7.1** Any portion of the property on which the regulated activity is proposed is located within five hundred (500) feet of the boundary of an adjoining municipality;
 - 7.7.2** Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
 - 7.7.3** Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality; or,
 - 7.7.4** Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.
- 7.8** No fewer than ten (10) copies of all application materials shall be submitted to comprise a complete application or as is otherwise directed, in writing, by the Inland Wetlands Commission. The deadline for submitting an application, to be added to the Commission's next meeting agenda, is three (3) business days (not including the day of the meeting and date of submission) before the next scheduled meeting.
- 7.9** Any application to extend the expiration date of a previously issued permit or amend an existing permit shall be filed with the Commission at least sixty-five (65) days prior to the expiration date for the permit in accordance with Section 8, of these Regulations. Any application for amendment, renewal or extension shall be made in accordance with this Section, provided:
- 7.9.1** The application may incorporate by reference the documentation and record of the original application;
 - 7.9.2** The application shall state the reason why the authorized activities were not initiated or completed within the time specified in the permit;
 - 7.9.3** 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;

- 7.9.4** The Commission 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 judgement, 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 the schedule for completing the activities authorized in the permit;
- 7.9.5** The Commission shall evaluate the application pursuant to Section 10 of these Regulations and grant the application as filed, grant it with any terms or limitations, or deny it.
- 7.10** A Statewide Inland Wetlands & Watercourses Activity Reporting Form shall be completed during the application process, which provides the Commissioner of the Department of Environmental Protection with information necessary to properly monitor the inventory of State wetlands. The reporting form shall be part of the application and the following information shall be provided by the applicant: name of applicant; location and name of the project; project and site description; area of wetlands and/or linear feet of watercourse proposed to be altered. The Commission shall be responsible for the remaining information and any corrections on the form and for filing it in accordance with C.G.S. Section 22a-39, as amended.
- 7.11** 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 that no permit may be valid for more than ten years.

SECTION 8 - APPLICATION PROCEDURES

- 8.1** All applications shall be filed at the Land Use Office with the Designated Agent of the Borough of Naugatuck.
- 8.2** In the case of any application where any portion of the wetland or watercourse on which the regulated activity is proposed is located within five hundred (500) feet of the boundary of Beacon Falls, Bethany, Middlebury, Oxford, Prospect, or Waterbury, the applicant shall give written notice, of the proposed activity, via certified mail, return receipt requested, to the adjacent municipal wetland agency on the same day of filing an inland wetland permit application with the Borough of Naugatuck Inland Wetlands Commission. Documentation of such notice (green cards) shall be provided to the Borough of Naugatuck Inland Wetlands Commission, in accordance with C.G.S. Section 22a-42c, as amended.
- 8.3** The Commission shall, in accordance with C.G.S. Section 22a-42b, as amended, notify the clerk of any adjoining municipality of any pending application to conduct a regulated activity when:
- 8.3.1** Any portion of the property on which the regulated activity is proposed is located within five hundred (500) feet of the boundary of an adjoining municipality;
 - 8.3.2** A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
 - 8.3.3** 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,
 - 8.3.4** Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality;
 - 8.3.5** Notice of the pending application shall be made by certified mail and shall be mailed in accordance with C.G.S. Section 22a-42b, as amended within seven (7) days of the date of receipt of the application.
- 8.4** 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 C.G.S. Section 16-1, as amended, 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 Commission of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of the application. The water company, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the Commission.

- 8.5** The date 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 thirty five days after such submission, whichever is sooner.
- 8.6** At any time during the review period, the Commission may require the applicant to provide additional information and/or technical reports about the regulated area or regulated activity, which is the subject of the application, or wetlands or watercourses affected by the regulated activity. Such information may include, but is not limited to the following:
- 8.6.1** Chemical analysis of existing surface water.
 - 8.6.2** Hydrological analysis of run-off and peak flow, both before and after development.
 - 8.6.3** Depth to seasonal high groundwater and bedrock.
 - 8.6.4** Analysis of wildlife habitats on and near site and the impact of proposed use.
 - 8.6.5** A description of vegetation types, including any rare or endangered species.
 - 8.6.6** Requests for additional information shall not stay the time limitations as set forth in Subsection 11.2 of these Regulations.
- 8.7** Upon receipt of said application, the Commission shall provide the applicant with a sign to be conspicuously posted on the property no later than at the end of the day in which the application was received by the Land Use Office. Said sign shall indicate the date and time of the first Commission meeting in which the application will be considered and remain in place until fourteen (14) days after said meeting has been held.
- 8.8** If the proposed activity involves a significant activity as determined by the Commission and Section 2.27 of these regulations and a Public Hearing has been scheduled regarding the application, the applicant shall notify adjacent property owners in the following manner;
- 8.8.1.** Notices shall be sent to all adjacent property owners within fifty (50) of the property, including those across a street or watercourse.
 - 8.8.2.** The notice shall contain a brief description of the application, the date and time of the first Commission meeting in which the application will be considered, and a contact person for questions.
 - 8.8.3.** Notices from the applicant to the adjacent property owners shall be sent by Certified Mail at least ten (10) days prior to the start of the Public Hearing.
 - 8.8.4.** Prior to the Public Hearing, the applicant shall submit a copy of the notice, a list of property owners to whom the notices were sent and an affidavit of the certified letters as proof of notification.

8.9 The Commission may require an applicant, to conduct a special project review, where additional technical assistance is required to evaluate an application submitted in accordance with these Regulations. The need for such technical assistance will be based upon the finding that the nature and intensity of the development may have a significant impact on the waters of the Borough of Naugatuck.

8.9.1 Before a special project review is required, it shall be determined that the project is of such nature as to require expertise not available to staff. The Commission shall make the determination of the need for such technical assistance to be provided by non-borough personnel, approved by the Commission and coordinated by Borough staff. The applicant will be responsible for all reasonable, incurred costs.

8.10 All applications shall be open for public inspection.

8.11 Incomplete applications may be denied.

SECTION 9 - PUBLIC HEARINGS

- 9.1** The inland wetlands agency shall not hold a public hearing on an application unless the inland wetlands agency determines that;
- 9.1.1** The proposed activity may have a significant impact on wetlands or watercourses.
 - 9.1.2** A petition signed by at least twenty-five (25) persons requesting a hearing is filed with the agency not later than fourteen days after the date of receipt of such application.
 - 9.1.3** The agency finds that a public hearing regarding such application would be in the public interest.
 - 9.1.4** 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 (14th) day after the date of receipt of the application.
 - 9.1.5** All applications and maps and documents relating thereto shall be open for public inspection. Any person may appear and be heard at any such public hearing.
- 9.2** Notice of the public hearing shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days and not fewer than ten (10) days, and the last not less than two days before the date set for the hearing in a newspaper having a general circulation in each town where the affected wetland and watercourse is located.
- 9.3** 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 adjoining municipality is notified. Proof of such notification shall be entered into the hearing record.

SECTION 10 - CONSIDERATIONS FOR DECISION

10.1 Purpose: The Commission may consider the following in making its decisions on an application:

10.1.1 The application and its supporting documentation.

10.1.2 Public comments, evidence and testimony from a public hearing.

10.1.3 Reports from other agencies and commissions including but not limited to the Borough of Naugatuck:

- a.** Borough Engineer,
- b.** Planning Commission,
- c.** Zoning Commission,
- d.** Building Official,
- e.** Borough Attorney,
- f.** Naugatuck Valley Health District

10.1.4 The Commission may also consider comments on any application from the New Haven County Soil and Water Conservation District, the Central Naugatuck Valley Council of Governments or other regional planning agencies; agencies in adjacent municipalities which may be affected by the proposed activity, Connecticut Department of Environmental Protection, Army Corps of Engineers, or any other technical agencies or organizations which may undertake additional studies or investigations.

10.1.5 Non-receipt of comments from agencies and commissions, listed in 10.1.3 or 10.1.4 of these Regulations, 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, in keeping with the purposes and policies of C.G.S. Sections 22a-36 through 22a-45, as amended, including but not limited to the following:

10.2.1 The environmental impact of the proposed regulated activity on wetlands and watercourses, 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 ground waters, to control sediment, to facilitate drainage, to control pollution, to support recreational activities, and to promote public health safety and welfare. The Commission reserves the right to review other activities beyond the one hundred (100) feet Regulated Area if the Commission determines that those activities have the possibility of causing an adverse impact on wetlands and watercourses.

- 10.2.2** The applicant's purpose for the proposed regulated activity, and any feasible and prudent alternatives to that activity which would achieve the same basic purpose with less or no environmental impact to wetlands and watercourses. 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 different environmental impacts, such as using a different location for the activity.
- 10.2.3** The relationship between the short term and long term impacts of the proposed regulated activity on wetlands and watercourses, and the maintenance and enhancement of long term productivity of such wetlands and watercourses.
- 10.2.4** Irreversible and irretrievable loss of wetland and watercourse resources which are caused by the proposed regulated activity. This includes the extent to which the proposed activity would foreclose a future ability to protect, enhance, or restore those resources.
- 10.2.5** Mitigation measures which the Commission may consider as a condition of issuing a permit includes, but is not limited to; (1) that prevent or minimize pollution or environmental damage, (2) that maintain or enhance existing environmental quality, (3) that restore, enhance, or create productive environmental resources, preferably in that order of priority.
- 10.2.6** 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,
- 10.2.7** The Commission may require the applicant to evaluate the impact of an activity on upstream and downstream wetlands and watercourses, stream corridors, as well as impacts on the overall watershed. On and off-site wetlands, along with associated upland areas, may be part of this watershed evaluation. The design standards for any improvements may take into account restoration and/or repair of existing problems within the watershed that are reasonably related to a proposed activity.
- 10.2.8** Impacts of the proposed regulated activity on wetlands and watercourses outside the area for which the activity is proposed. This includes future activities associated with or reasonably related to the proposed regulated activity, which are made inevitable by that activity and which may have an impact on wetlands and watercourses.
- 10.2.9** The Commission may evaluate storm water management, best management practices, and overall watershed impacts of proposed development as part of either a Sediment and Erosion Control Referral or an Inland Wetlands Permit if the Commission finds that there might be an impact to off-site wetlands and watercourses.
- 10.2.10** The presence and quality of a long-term management program for open spaces, conservation easements, stream corridors, detention basins, wetland mitigation areas, and other land management areas in order to preserve and protect wetlands, watercourses, and other natural areas.

- 10.2.11** Compliance with requirements noted in Connecticut Guidelines for Soil Erosion and Sedimentation Control, the Borough of Naugatuck Subdivision Regulations and/or Zoning Regulations, or other relevant standards.
- 10.2.12** Within public water supply watersheds, the offer by the applicant, to provide a conservation easement around wetlands and watercourses (50 feet has been suggested by the Connecticut Water Company) to protect water quality. The Commission can not require a conservation easement on any property but does feel that it can be a valuable BMP, where appropriate, for long-term protection of water quality, if offered by the applicant.
- 10.3** In the case of any application which received a public hearing following a finding by the Commission that the proposed regulated activity may have a significant impact on wetlands and watercourses, a permit shall not be issued unless the Commission finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding, the Commission shall consider the facts and circumstances set forth in Section 10.2 of these Regulations. This finding and the reasons therefor shall be stated on the record in the decision of the Commission.
- 10.4** In the case where an application is denied when the Commission finds that a feasible and prudent alternative to the proposed regulated activity does exist which may have less adverse impacts on wetlands and watercourses, the Commission shall propose, in the written record, the types of alternatives the applicant may investigate for future applications. This section does not shift the applicant's burden to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity.
- 10.5** In reaching its decision on any application after a public hearing, the 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. 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 C.G.S. Sections 22a-36 through 22a-45, as amended.

SECTION 11- DECISION PROCESS AND PERMIT

- 11.1** The agency, or its duly authorized agent acting pursuant to Section 12 of these Regulations, may, in accordance with Section 10 of these Regulations, grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity designed to carry out the purposes and policies of the Act, or deny the application. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would (a) prevent or minimize pollution or other environmental damage, (b) maintain or enhance existing environmental quality, or (c) in the following order or priority: restore, enhance and create productive wetland or watercourse resources.
- 11.2** No later than sixty-five (65) days after receipt of an application, the Commission may hold a public hearing on such application. The hearing shall be completed within forty-five (45) 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, or may withdraw such application. The failure of the Inland Wetlands 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.
- 11.3** The Commission shall state upon its record the reasons and bases for its decision and, in the case of any public hearing, such decision shall be based fully on the record of such hearing and shall be in writing and shall, as applicable be in accordance with Section 10 of these Regulations, incorporate a statement relative to the consideration of feasible and prudent alternatives.
- 11.4** The Commission shall notify the applicant and any named parties to the proceeding of its decision within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the Commission shall cause notice of its order in the issuance or denial of the permit, in a newspaper having general circulation in the town wherein the inland wetlands 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
- 11.5** If an activity authorized by the inland wetland permit also involves an activity or project which requires zoning or subdivision approval, a special zoning permit, or variance, a copy of the decision and report on the application shall be filed with Borough Planning Commission, Borough Zoning Commission, or Borough Zoning Board of Appeals within fifteen (15) days of the date of the decision.
- 11.6** If the Commission denies a permit, the application shall not be resubmitted unless the proposal is modified in a fashion that substantially changes the proposed regulated activities to lessen the impacts to wetlands and watercourses which resulted in the denial. Such submittal shall take the form of a new application. The Commission may choose to waive the permit application fee.
- 11.7** Any permit issued by the Commission for the development of land for which an approval is required under C.G.S. Sections 8-3(c) or 8-26 of the Connecticut General Statutes shall be valid for five years with the provision that:

- a.** The Commission may establish a specific time period within which any regulated activity shall be conducted.
- 11.7.1** Any permit issued by the Commission for any other activity shall be valid for not less than two years and not more than five years.
- 11.7.2** The Commission may require that on certain permits the applicant or his agent shall report to the Commission on an annual basis or as may be required by the Commission. Such report shall be made in person at a public meeting and shall include information on the progress of the project, possible changes and an estimated completion date.
- 11.8** If a bond or insurance is required in accordance with Section 13 of these Regulations, no permit shall be issued until such bond or insurance is provided. This applies to Inland Wetlands Permits, however the Commission may recommend that a Sediment and Erosion Control Bond be posted prior to construction, as part of a referral, to another land use commission.
- 11.9** General provisions in the issuance of all permits and referrals.
 - 11.9.1** 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.
 - 11.9.2** 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 Borough of Naugatuck, 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.
 - 11.9.3** If the activity authorized by the inland wetland permit also involves an activity or a project which requires zoning or subdivision approval, special permit or variance, no work pursuant to the wetland permits may begin until such approval is obtained.
 - 11.9.4** 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.
 - 11.9.5** All construction shall be in compliance with the requirements of the Connecticut Guidelines for Soil Erosion and Sediment Control, the Borough of Naugatuck Subdivision Regulations and/or Zoning Regulations, and other approval conditions.
 - 11.9.6** No permit may be issued unless both the property owner and permittee have paid all taxes, liens, charges, and fees due to the Borough of Naugatuck in accordance with Ordinance #108. No construction may occur without a valid permit in effect.

SECTION 12 - ACTION BY DULY AUTHORIZED AGENT

- 12.1** The Agency may delegate to its duly authorized agent the authority to approve or extend an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses provided such agent has completed the comprehensive training program developed by the Commission of Environmental Protection pursuant to C.G.S. Section 22a-39, as amended. Requests for such approval shall be made on a form provided by the Agency and shall contain the information listed under Section 7.5 of these Regulations and any other information the Agency may reasonably require.
- 12.2** The Commission may delegate to its duly authorized agent the authority to approve or extend a proposed regulated activity that is not located in a wetland or watercourse when the agent finds that the activity would result in a minimal impact on any wetlands or watercourses. The agent shall have completed the comprehensive training program developed by the Commissioner of Environmental Protection pursuant to C.G.S. Section 22a-39, as amended. Requests for such approval shall be made on a form provided by the Commission and shall contain the information listed under Section 7.5 of these Regulations and any other information the Commission may reasonably require. Notwithstanding the provisions for receipt and processing applications outlined in Sections 8, 9, and 11 of these Regulations, such agent may approve or extend such regulated activity at any time.
- 12.3** The duly authorized agent shall publish a legal notice in a local newspaper stating the Intent to Issue an Administrative Approval. The applicant is responsible for the legal fee. Any person may appeal the decision of the agent within fifteen (15) days after the publication date to the Commission. The Commission shall consider the appeal at the next regularly scheduled meeting, provided that such meeting is no earlier than three business days following receipt of the appeal. Any person may appear and be heard at the meeting held by the Commission to consider the appeal. The Commission shall, at its discretion, sustain, alter, or reject the decision of its agent or require a permit application in accordance with Section 7 of these Regulations.
- 12.4** The Administrative Approval shall become effective after the fifteen (15) day appeal period has passed provided there are no challenges following the published legal notice.
- 12.5** The duly authorized agent shall note all Administrative Approvals on the regular meeting agenda.

SECTION 13 - BOND AND INSURANCE

- 13.1** The Commission may require sufficient bonds as security methods to ensure construction compliance with permit approvals. Bonds may be for requirements for either an inland wetlands permit and/or for sediment and erosion control certification; or may be incorporated into a subdivision or site plan bond at the Commission's discretion
- 13.2** Upon approval of the application and prior to issuance of a permit or Certificate of Zoning Compliance, the applicant may, at the discretion of the Commission, be required to file a bond with such surety in the form of a letter of credit, in such amount and in a form acceptable to the Commission.
- 13.3** The bond shall be conditioned on compliance with all provisions of these regulations and the terms, conditions and limitations established in the permit.
- 13.4** The Commission may require the applicant, depending on the nature and scope of the regulated activity, 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 Commission commensurate with the regulated activity.
- 13.5** The irrevocable letter of credit shall be from a financial institution authorized to enter into such letter in the State of Connecticut. All such letters of credit shall require the applicant and financial institution to notify the Borough in writing ninety (90) days prior to the expiration of such letter of credit. The letter of credit shall also include a provision that the letter of credit will be automatically renewed until such time as the Commission reduces the obligation completely.
- 13.5** The cost of all site construction associated with permit or approval shall be estimated by the applicant on forms provided by the Borough Engineer. The surety amount shall be equal to 110 percent of the estimated cost of all required construction. Required construction may include, but is not limited to, the following: sediment and erosion control, drainage, detention basins, grading, retaining walls, planting, wetland mitigation, utilities, maintenance, and other required items.
- 13.6** The Commission may use all or a portion of the bond to repair missing or inadequate erosion controls or other permitted activities that have not been completed properly, as allowed by State Statutes. The Commission may require a permittee to replace that portion of the bond that was used prior to continuing with permitted activities.
- 13.7** The Commission may release a portion of any bond to the extent that a portion of the permitted activity has been properly completed and the area is permanently stabilized. The Commission shall retain twenty (20) percent of the surety until all of the permitted activities are complete.
- 13.8** The permittee shall make all bond reduction requests in writing, along with supporting documents and as-built surveys, where necessary. The Commission shall review the request following review and written approval from the Wetlands Enforcement Officer and/or Borough Engineer that the permitted activity is completed and the area is stabilized.

13.9 The Commission may retain twenty percent (20%) of the bond for one year following the completion of all permitted activities.

SECTION 14 - ENFORCEMENT

- 14.1** The Commission 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 violations or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these Regulations.
- 14.2** The Commission or its agent may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued under these Regulations.
- 14.3** If the Commission or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or conditions which is in violation of the Act or these Regulations, the Commission or its duly authorized agent may:
- 14.3.1** Issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order the Commission shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Commission shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Commission shall issue public notice of its decision in a newspaper having a 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 C.G.S. Section 22a-44(b), as amended.
- 14.3.2** 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, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. The Commission shall hold a hearing to provide the permittee an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the Commission's decision to suspend, revoke, or maintain a permit by personal service or certified mail within fifteen (15) days of the date of its decision. The Commission shall publish notice of the suspension or revocation in a newspaper having general circulation in the 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 C.G.S. Section 22a-44(b), as amended.

- 14.3.3** Issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violations, the jurisdiction of the Commission, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The Commission may request that the individual appear at the next regularly scheduled meeting of the Commission to discuss the unauthorized activity, and/or provide a written reply to the notice or 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 Section 14.3.1 of these Regulations or other enforcement proceedings as provided by law.
- 14.3.4** The Commission may, after upholding a notice of violation at a hearing held in accordance with procedural due process, call all or a portion of any surety established as part of an inland wetland approval. The Commission may also recommend that other commissions call all or a portion of the bonds associated with any Sediment and Erosion Control referrals on subdivision or site plan referrals. The Commission may use the funds to correct any problems that threaten inland wetlands, watercourses, or public health, welfare, and safety. This includes soil erosion and sedimentation control, drainage, storm water management, slope stabilization, planting, and maintenance measures that were a component of any approvals or referrals.

SECTION 15 - AMENDMENTS

- 15.1** The Inland Wetlands and Watercourses Regulations of the Borough of Naugatuck and the Inland Wetlands and Watercourses Map, Borough of Naugatuck may be amended, from time to time, by the Commission in accordance with changes in the Connecticut General or as new information regarding soils and inland wetlands and watercourses becomes available, or at the discretion of the Commission.
- 15.2** An application filed with an inland wetlands agency which is in conformance with the applicable Regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in these 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 constructed 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 this chapter as of the date of receipt.
- 15.3** These Regulations and the Borough of Naugatuck Inland Wetlands and Watercourses Map shall be amended in the manner specified in C.G.S. Section 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 15.3 of these Regulations, at least thirty five (35) days before the public hearing on their adoption. Application forms and fee schedules shall be considered as part of the Commission regulations.
- 15.4** Petitions requesting changes or amendments to the Inland Wetlands and Watercourses Map, Borough of Naugatuck shall contain at least the following information:
- 15.4.1** The applicant's name, address and telephone number;
 - 15.4.2** The owner's name (if not the applicant), address, telephone number, and a written consent to the proposed action set forth in the application;
 - 15.4.3** Applicant's interest in the land;
 - 15.4.4** Maps showing the geographic location of the property involved in the petition and the existing and proposed wetland(s) and watercourse(s) boundaries on the property in sufficient detail together with information supporting the boundary relocation of the disputed wetland or watercourse areas;
 - 15.4.5** The reasons for the requested action;
 - 15.4.6** The names and addresses of adjacent property owners and property owners located within one hundred (100) feet of the property and;
 - 15.4.7** A map showing proposed development of the property.

- 15.4.8** In the case where any portion of the proposed amendment to a wetland or watercourse location is located within five hundred (500) feet of the boundary of Beacon Falls, Bethany, Middlebury, Oxford, Prospect, or Waterbury, the applicant shall give written notice, of the proposed activity, via certified mail, return receipt requested, to the adjacent municipal wetland agency on the same day of filing an inland wetland permit application with the Borough of Naugatuck Inland Wetlands Commission. Documentation of such notice shall be provided to the Borough of Naugatuck Inland Wetlands Commission, in accordance with C.G.S. Section 22a-42c, as amended.
- 15.5** Any person, who submits a petition to amend the Inland Wetlands and Watercourses Map, Borough of Naugatuck, Connecticut, shall bear the burden of proof for all requested map amendments. Such proof may include, but not be limited to, professional interpretation of aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the Commission. The Commission may also require:
- 15.5.1** Documentation by a soil scientist regarding the distribution of wetland soils on the land. Such documentation shall include, at a minimum, a written report by the Soils Scientist documenting the location of wetland and upland soils on the land, a topographic map showing flag locations set by the soils scientist defining the wetland boundaries, and;
- 15.5.2** Maps showing any proposed development of the land in relation to existing and proposed wetland boundaries.
- 15.6** A soil scientist, geologist, ecologist, surveyor, engineer, or other qualified individual shall delineate watercourses.
- 15.7** A public hearing shall be held on petitions to amend the Inland Wetlands and Watercourses Map, Borough of Naugatuck. 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 (15) days and not less than ten (10) days and the last not less than two days, before such hearing.
- 15.8** Within ninety (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 Commission shall act upon the changes requested in such petition within sixty (60) days after the close of the hearing. 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.
- 15.9** The Commission shall make its decision and state, in writing, the reasons why the change in the Inland Wetland and Watercourses Map, Borough of Naugatuck was made.

SECTION 16 - APPEALS

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

SECTION 17 - CONFLICT AND SEVERANCE

- 17.1** If there is a conflict 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 work, 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.
- 17.2** If there is any conflict between any provision of these Regulations and the provision of the Act, the provisions of the Act shall govern.

SECTION 18 – OTHER PERMITS

- 18.1** Nothing in these Regulations shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the Borough of Naugatuck, State of Connecticut and the Government of the United States including, and not limited to any approval required by the Borough of Naugatuck, Connecticut Department of Environmental Protection, Connecticut Department of Transportation, and the U.S. Army Corps of Engineers. Obtaining such assents, permits or licenses is the sole responsibility of the applicant.

SECTION 19 – EFFECTIVE DATE OF REGULATIONS

- 19.1** These Regulations including the Inland Wetlands and Watercourses Map, Borough of Naugatuck, application forms, fee schedule and amendments thereto, shall become effective upon filing in the Offices of the Town Clerk and Borough Clerk, publication of a notice of such action in a newspaper having general circulation in the Borough of Naugatuck.
- 19.2** INLAND WETLANDS REGULATIONS OF THE BOROUGH OF NAUGATUCK. The following Regulations are the amended Inland Wetlands Regulations of the Borough of Naugatuck, Connecticut, adopted by the Borough Inland Wetlands Commission, pursuant to the General Statutes of the State of Connecticut. Adopted on: June 14, 1974, Amended Dates: July 11, 1990, January 1, 1991, January 28, 2002, February 16, 2009.