

BRIDGEWATER INLAND WETLANDS AND WATERCOURSES REGULATIONS

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BRIDGEWATER INLAND WETLANDS AND WATERCOURSE REGULATIONS

Section 1 Title and Authority

- 1.1 The inland wetlands and watercourses of the State of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life. Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the state of Connecticut and has imperiled, and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the state for its citizens now and forever more. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance and 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 and local authority; preventing damage from erosion, turbidity and siltation; preventing loss of fish, 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 desire 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 Town of Bridgewater."
- 1.3 The Conservation and Inland Wetlands Commission of the Town of Bridgewater was established in accordance with an ordinance adopted July 24, 1980. The Commission shall implement the purposes and provisions of these regulations and the Inland Wetlands and Watercourses Act within the Town of Bridgewater.

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- 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 the Inland Wetlands and Watercourses Act, and it shall either issue; issue with terms, conditions, limitations or modifications; or deny permits for all regulated activities in the Town of Bridgewater pursuant to the Act.

Section 2 Definitions

- 2.1 As used in these regulations:

"Act" means the Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45, inclusive, of the Connecticut General Statutes (1997), as amended.

"Aquic moisture regime" means a soil condition in which the lower soil horizons are saturated with water for a long enough period of time to be virtually free of dissolved oxygen.

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

"Buffer area" includes all of the following:

- a. Land located within two hundred feet (200') of the closest edge of the ordinary high waterline of Lake Lillinonah, the Housatonic River or the Shepaug River;
- b. Land located within one hundred feet (100') of the closest edge of the ordinary high waterline of any other watercourse;
- c. Land located within one hundred feet (100') of any wetland; and
- d. Land extending from the edge of any wetland or watercourse and having a continuous grade greater than or equal to fifteen percent (15%).

"Clear-cutting" means harvesting timber in a fashion that removes all trees having a diameter larger than two (2) inches when measured at a height of four and one-half feet (4 1/2 ϕ) from the ground surface.

"Commission" means the Conservation and Inland Wetlands Commission of the Town of Bridgewater.

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

"Continual flow" means a flow of water that persists for an extended period of time. Such flows may be interrupted during periods of drought or during the low-flow period of the annual hydrological cycle (normally June through September), but the flows recur in prolonged succession.

"Date of receipt," when used in connection with an application for a permit, means the earlier of (i) the day of the next regularly scheduled meeting of the Commission after the day of submission of the application, provided such meeting is no earlier than three business days after submission, or (ii) thirty-five (35) days after submission of the application.

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

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

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

"Disturb the natural and indigenous character of the wetland or watercourse" means to alter an inland wetland or watercourse by removing or depositing material, clearing the land, altering or obstructing water flow, or polluting the wetland or watercourse.

"Essential to the farming operation" means that the proposed activity is necessary and indispensable to sustain farming activities on the farm.

"Farm" means land and buildings primarily used for farming.

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

"Farm pond" means a pond located on a farm, as defined above, and used for farming.

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

"Forestry" means silviculture and the harvesting or logging of trees for sale, including sales as Christmas trees, firewood, poles, lumber, chips or mulch.

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"Grubbing" means removing roots and/or stumps, resulting in the clearing or breaking up of the soil surface.

"Inland Wetlands and Watercourses Act:" see definition of "Act," above.

"Intermittent watercourse" see definition of "watercourse" below.

"Inventory map" means the official Inland Wetlands and Watercourses Map of the Town of Bridgewater, as described in Section 3 of these regulations.

"Logging" means the cutting of timber for sale as firewood, poles, lumber, chips or mulch. It includes the felling and limbing of trees, the disposition of unwanted parts of trees, and the transporting, hauling or dragging of wood from the site of tree-felling to a Town or State road.

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

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

"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 and waste.

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

"Permit" means the whole or any part of any license, certificate or approval or similar form of permission that may be required of any person by the provisions of these regulations and the Act or by other municipal, state or federal law.

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

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"Person" means any natural person, as well as any firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

"Pollution" means harmful thermal effect or the contamination or rendering unclean or impure of any waters or wetlands of the state by reason of any waste or other materials discharged or deposited therein by any public or private sewer or septic system or otherwise so as directly or indirectly to come in contact with any waters or wetlands. Pollution includes, but is not limited to, erosion of and sedimentation into wetlands and watercourses as a result of any filling, land clearing or excavation activity.

"Prudent" means economically and otherwise reasonable in light of the social benefits to be derived from the proposed regulated activity provided cost may be considered in deciding what is prudent and further provided a mere showing of expense will not necessarily mean an alternative is imprudent.

"Regulated activity" includes any and all of the following:

- a. 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 wetland or watercourse;
- b. Any activity in a wetland, watercourse or buffer area that involves:
 - 1) Excavating, mining, grading, filling, placing, or removing earth materials (including pond spoils);
 - 2) Constructing, installing or repairing buildings, septic systems or other man-made structures;
 - 3) Clear-cutting or grubbing land;
 - 4) Storing any petroleum-based product in a storage container that is affixed to the ground or placed below the surface of the ground;
 - 5) Disposing, treating, storing or managing hazardous wastes, as defined in Connecticut General Statutes Section 22a-115 (1997), as amended.
- c. Any activity located outside of a wetland, watercourse, or buffer area if the Commission determines that such activity is causing or is likely to cause the obstruction, alteration or pollution of a wetland or watercourse, provided that the Commission may make such determination only after providing an opportunity for a hearing, as well as at least ten (10) days prior written notice of the hearing, to the owner of the land on which the activity is being conducted or

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is proposed to be conducted. For purposes of this section, the ownership of a parcel of land may be determined by the Commission on the basis of the Bridgewater Tax Collector's current records.

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

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

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

"Significant activity" means any activity, including but not limited to the following activities that may have a major effect or significant impact on a wetland or watercourse:

- a. Any activity involving deposition or removal of material.
- b. Any activity that substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.
- c. Any activity that 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 perform other valuable functions.
- d. Any activity that is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse.
- e. Any activity that causes a substantial increase or diminution of flow in a natural watercourse or a significant change in groundwater levels in a regulated area.
- f. Any activity that is likely to cause or has the potential to cause pollution of a wetland or watercourse.
- g. Any activity that damages or destroys all or any portion of a wetland or watercourse having one or more unique features or having demonstrable scientific or educational value.

"Soil scientist" means an individual duly qualified in accordance with standards set by the federal Office of Personnel Management.

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"Swamps" are areas with soils that exhibit aquatic moisture regimes and are distinguished by the dominance of wetland trees, shrubs and herbaceous plants.

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

"Town" means the Town of Bridgewater.

"Waste" means any liquid, gaseous, solid or radioactive substance, including but not limited to sewage, that may pollute or tend to pollute any wetlands or watercourses.

"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, that are contained within, flow through or border upon the Town or any portion thereof, and that are not regulated pursuant to Sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes (1997), as amended. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (a) evidence of scour or deposits of recent alluvium or detritus; (b) the presence of standing or flowing water for a duration longer than a particular storm incident; or (c) the presence of hydrophilic vegetation.

"Wetlands" means land, including submerged land as defined in this section, not regulated pursuant to Sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes (1997), as amended, that consists of any of the soil types designated as poorly drained, very poorly drained, alluvial or flood plain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites that possess an aquatic moisture regime.

Section 3 Inventory of Regulated Areas

- 3.1 The Commission or its designated agent(s) shall maintain a current map of regulated areas entitled "Inland Wetlands and Watercourses Map, Bridgewater, Connecticut," which delineates the general locations and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection at the office of the Town Clerk or the Commission. 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 location of watercourses. The Commission may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations or other information in determining the location of the boundaries of wetlands and watercourses.

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- 3.2 Because the locations and boundaries of wetlands and watercourses as shown on the inventory map may be approximate, the precise location and boundaries of regulated areas for all regulatory purposes shall be determined by the actual character of the land, the distribution of wetland soil types, and the exact location of watercourses as determined by field inspection.
- 3.3 The Commission may amend its inventory map as more accurate information becomes available. Any person may petition for an amendment to the inventory map. Petitioners shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, soil sampling and inspection reports and field flagging by a properly qualified soil scientist, aerial photography, remote sensing imagery, or other available information. All petitions for amendments to the inventory map shall be accompanied by a site plan or survey showing the proposed amended locations of watercourses or wetlands boundaries at a scale at which one inch (1") equals no more than forty feet (40'). The site plan or survey must be drawn with an accuracy meeting or exceeding standards for a "Class A-2" type of survey as defined in the Recommended Code of Practice for Standards of Accuracy of Surveys and Maps, adopted December 10, 1975, by the Connecticut Association of Land Surveyors, Inc., unless the Commission authorizes a different standard of accuracy upon request of the petitioner. All proposed map amendments are subject to the public hearing process outlined in section 15 of these regulations.

Section 4 Permitted Uses as of Right & Nonregulated Uses

- 4.1 The following operations and uses shall be permitted in regulated areas, as of right:
- a. Grazing, farming, nurseries, gardening and harvesting of crops, and farm ponds of three acres or less essential to the farming operation and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this subdivision shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of 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;
 - b. Boat anchorage or mooring, not to include dredging or dock construction;
 - c. Uses incidental to the enjoyment or maintenance of residential property, such property defined as a parcel of land, or a designated portion of a parcel of land, containing a residence and having a size equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality. Such incidental uses shall

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include maintenance of existing structures and landscaping, but shall not include removal or deposition of significant amounts of material from or into a wetland or watercourse, or diversion or alteration of a watercourse.

d. Construction and operation by water companies, as defined by Section 16-1 of the Connecticut General Statutes (1997), as amended, or by municipal water supply systems as provided for in Chapter 102 of the Connecticut General Statutes (1997), as amended, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in sections 22a-401 through 22a-410 of the Connecticut General Statutes (1997), as amended.

e. Maintenance relating to any drainage pipe that existed before July 1, 1974, provided such pipe is on property that is zoned as residential but does not contain hydrophilic vegetation. For purposes of this subdivision, "maintenance" means the removal of accumulated leaves, soil, and other debris, whether by hand or machine, while the pipe remains in place.

4.2 The following operations and uses shall be permitted as nonregulated uses in regulated areas, provided they do not disturb the natural and indigenous character of any wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow, or pollution of a 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, field trials, nature study, hiking, horseback riding, swimming, camping, boating, water skiing, trapping, hunting, fishing, shellfishing and cross-country skiing where otherwise legally permitted.

4.3 To carry out the purposes of this section, any person proposing to carry out a permitted or nonregulated operation or use in a regulated area, which operation or use may disturb the natural and indigenous character of a 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 regulated area. The Commission or its designated agent shall rule either 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.

Section 5
Activities Regulated by the State

- 5.1 The issuance of a permit or approval by the Commission under these regulations does not excuse the applicant from obtaining any other permits or approvals that may be required by law for the proposed activities. The Commissioner of Environmental Protection may have additional or exclusive regulatory authority over many activities in or affecting wetlands or watercourses. The activities set forth below were subject to the regulatory authority of the Commissioner of Environmental Protection at the time these regulations were adopted, and are noted in these regulations solely for informational purposes:
- a. Construction or modification of any dam pursuant to Sections 22a-401 through 22a-411 of the Connecticut General Statutes (1997), as amended.
 - b. Construction, encroachment or placement of any obstruction within stream channel encroachment lines pursuant to Sections 22a-342 through 22a-349a of the Connecticut General Statutes (1997), as amended.
 - c. Diversion of water, including withdrawals of surface water 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 flow of any surface waters of the state where the tributary watershed area above the point of such alteration is 100 acres or larger, pursuant to Sections 22a-365 through 22a-378a of the Connecticut General Statutes (1997), as amended.
 - d. Discharges into the waters of the state pursuant to Section 22a-430 of the Connecticut General Statutes (1997), as amended.
 - e. Certification of water quality relating to discharges of fill or dredged materials into the wetlands and watercourses of the state pursuant to 33 U.S.C. Section 1341 and 1344 (1997), as amended.
- 5.2 The Commissioner of Environmental Protection has exclusive jurisdiction over regulated activities undertaken by any department, commission or instrumentality of the State of Connecticut, excluding any local and regional boards of education, pursuant to Sections 22a-39 of the Connecticut General Statutes (1997).
- 5.3 The Commissioner of Environmental Protection has exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of Environmental Protection under Section 22a-402 or under a dam construction permit issued by the Commissioner of Environmental Protection under Sections 22a-403 or Section 22a-41 of the Connecticut General Statutes. Any person receiving a dam repair or removal order or dam construction permit from the Connecticut Department of Environmental Protection shall not be required to obtain

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a permit from the Commission for any action necessary to comply with such order or to carry out the activities authorized by such permit.

Section 6 Permit Requirement

- 6.1 No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Commission.
- 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 to any other remedies allowed by law.
- 6.3 If an application to the Town of Bridgewater Planning and Zoning Commission for subdivision or resubdivision of land involves land containing a wetland or watercourse, the applicant shall, in accordance with Section 8-3(g), 8-3c, or 8-26, as applicable, of the Connecticut General Statutes (1997), as amended, submit an inland wetlands and watercourses application to the Commission no later than the day the corresponding application is filed with the Planning and Zoning Commission.

Section 7 Application Requirements

- 7.1 Any person intending to conduct a regulated activity or to renew or amend a permit to conduct such activity, shall apply for a permit on a form provided by the Commission. The application shall contain the information described in this Section and any other information the Commission may reasonably require. Application forms may be obtained in the offices of the Bridgewater Town Clerk or the Commission. Any person petitioning to amend the regulations or the inventory map shall supply the information required under Sections 3.3, 15.4 and 15.5 of these regulations.
- 7.2 Any person may request that the Commission rule on whether or not a proposed or existing activity constitutes a regulated activity or a significant activity, as defined by these regulations.
- 7.3 All applications for permits for regulated activities shall include the following information, documents and materials:
 - a. The applicant's name, home and business mailing addresses and telephone numbers;

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- b. The name, mailing address and telephone number of the owner of the land upon which the subject activity is proposed and, if the applicant is not the landowner, the landowner's written consent to the application;
- c. If the applicant is not the owner of the land upon which the subject activity is proposed, a statement of the applicant's interest in the land;
- d. One or more maps or surveys, in sufficient detail and of sufficient accuracy to reasonably show the geographical location of the land that is the subject of the proposed activity, the location and boundaries of all regulated areas, soil types, and the location and dimensions of any areas to be affected by the proposed activities;
- e. A statement of the area(s), in square feet, of wetlands, watercourses, and buffer areas to be disturbed;
- f. A statement of the purpose, and a detailed description, of all proposed regulated activities;
- g. A description of all proposed erosion and sedimentation controls and other management practices and mitigation measures, including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority, restore, enhance or create productive wetland or watercourse resources;
- h. A statement of all of the alternatives considered by the applicant and of why the alternatives set forth in the application were chosen. The Commission may require the applicant to diagram, on a site plan or drawing, all alternatives that were considered and rejected by the applicant;
- i. A statement identifying any future activities associated with, or reasonably related to, the proposed regulated activities that are made inevitable by the proposed regulated activities and that may have an impact on wetlands or watercourses;
- j. The names and mailing addresses of the owners of all adjacent land;
- k. An acknowledgment by the applicant that the applicant is familiar with all of the information provided in the application and accompanying materials, and is aware that obtaining a permit through deception or through inaccurate or misleading information may result in the revocation or suspension of the permit or other penalties;
- l. The landowner's written authorization for the members and agents of the Commission to inspect the subject land, at reasonable times, both before and after a final decision has been issued; and
- m. The appropriate filing fee based on the fee schedule established in Section 19.5 of these regulations.

The Commission may require the applicant to submit additional information or materials if the Commission deems such submission necessary to a proper understanding of what the applicant is proposing.

- 7.4 If the Commission determines that a proposed activity is a significant activity, it may require the applicant to submit additional information and materials based on the

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nature and anticipated effects of the activity. Such information and materials may include but are not limited to the following:

- a. Detailed site plans for the proposed activities showing 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 land and the proposed activities. The details of such site plans shall be prepared by appropriate professionals, such as properly licensed engineers, land surveyors, architects or landscape architects. Unless the Commission authorizes a different scale or standard of accuracy upon request of the applicant, the map or survey shall be at a scale of one inch (1") equals no more than forty feet (40'), and shall be drawn with an accuracy that meets or exceeds the standards for a "Class A-2" type of survey as defined in the Recommended Code of Practice for Standards of Accuracy of Surveys and Maps, adopted December 10, 1975, by the Connecticut Association of Land Surveyors, Inc.;
 - b. Engineering reports, analyses, graphs, charts and drawings to fully describe the proposed activity including any filling, excavation, drainage or hydraulic modifications to watercourses and the proposed erosion and sedimentation control plan;
 - c. Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Natural Resources Conservation Service. The wetlands shall be delineated and flagged in the field by a soil scientist and the soil scientist's field delineation shall be depicted on the site plans;
 - d. A description of the ecological communities and of the natural functions of the wetlands or watercourses that may be affected by the proposed activities;
 - e. A description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application;
 - f. A description of each alternative the applicant has considered, and an explanation of why each alternative that was not chosen was deemed neither feasible nor prudent;
 - g. An analysis of the chemical or physical characteristics of any fill material; and
 - h. A description of all management practices and other measures designed to mitigate the impact of the proposed activities.
- 7.5 With respect to any application for a permit for regulated activities, the applicant shall certify whether:
- a. Any portion of the property on which the regulated activities are proposed is located within five hundred feet (500') of the boundary of an adjoining municipality;
 - b. Any portion of any wetland or watercourse that may be affected by the proposed regulated activities is located within five hundred feet (500') of the boundary of an adjoining municipality;

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- c. Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
 - d. Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality; or
 - e. Water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.
- 7.6 Five copies of all permit application materials shall be submitted to comprise a complete application. The Commission may direct the applicant to submit additional copies of application materials if it determines that such submission would be of assistance to the Commission or its consultants.
- 7.7 Any application to renew or amend an existing permit shall be filed with the Commission in accordance with Section 8 of these regulations at least sixty-five (65) days prior to the expiration date of the permit. Any such application shall contain the information required under Section 7 of these regulations, provided:
- a. The application may incorporate the documentation and record of the prior application;
 - b. The application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit;
 - c. The application shall state the reason why the authorized activities were not or cannot be initiated or completed within the time specified in the permit;
 - d. The application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or the use of the land for which the permit was issued;
 - e. The Commission may, prior to the expiration of a permit, accept an untimely application to renew such permit if the authorized activities are ongoing, and it may allow the continuation of work beyond the expiration date if, in the Commission's judgment, the permit is likely to be renewed and the public interest or environment will be best served by not interrupting the activities;
- 7.8 Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds that there has been a substantial change in circumstances that requires a new permit application or an enforcement action has been undertaken with regard to any of the regulated activities for which the permit was issued, provided no permit may be valid for more than ten years from the date of the initial approval of the relevant regulated activities.
- 7.9 For any permit application involving property subject to a conservation restriction or preservation restriction, the following shall apply:
- a. for purposes of this section, "conservation restriction" means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the

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- owner of the land described therein, including, but not limited to, the state of any political subdivision of the state, or in any order of taking such land whose purpose is to retain land or water areas predominantly in their natural, scenic or open condition or in agricultural, farming, forest or open space use.
- b. for purposes of this section, "preservation restriction" means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of land, including, but not limited to, the state or any political subdivision of the state, or in any order of taking of such land whose purpose is to preserve historically significant structures or sites.
 - c. no person shall file a permit application, other than for interior work in an existing building or for exterior work that does not expand or alter the footprint of an existing building, relating to property that is subject to a conservation restriction or a preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction not later than sixty days prior to the filing of the permit application.
 - d. in lieu of such notice pursuant to subsection 7.9c, the applicant may submit a letter from the holder of such restriction or from the holder's authorized agent, verifying that the application is in compliance with the terms of the restriction.

Section 8 Permit Application Procedures

- 8.1 All applications to conduct regulated activities shall be submitted to the Commission or its designated agent.
- 8.2 When an application to conduct or cause to be conducted one or more regulated activities is filed and any portion of the affected or potentially affected wetland or watercourse is within five hundred feet of the boundary of another municipality, the applicant shall give written notice of the application by certified mail, return receipt requested, to the inland wetlands and watercourses agency of such other municipality no later than the day the application is filed with the Commission.
- 8.3 The Commission shall, in accordance with Connecticut General Statutes Section 22a-42b (1997), as amended, notify the clerk of any adjoining municipality of the pendency of any application to conduct a regulated activity when:
 - a. Any portion of the property on which the regulated activity is proposed is located within five hundred feet (500') 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;

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- 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 certified mail, return receipt requested, and shall be mailed within seven (7) days of the date of receipt of the application. Documentation of such notice shall be provided to the Commission.

- 8.4 When an application is filed to conduct or cause to be conducted a regulated activity that will or may affect an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in Section 16-1 of the Connecticut General Statutes (1997), as amended, the applicant shall provide written notice of the application to the water company, provided the water company has filed a map showing the boundaries of the watershed on the Bridgewater Land Records and also with the Commission. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven (7) days of the date of the application. Documentation of such notice shall be provided to the Commission.
- 8.5 The date of receipt of any application shall be the earlier of (i) the day of the next regularly scheduled meeting of the Commission after the day of submission of the application, provided such meeting is no earlier than three business days after submission, or (ii) thirty-five (35) days after submission of the application.
- 8.6 The applicant shall provide such additional information as the Commission may reasonably require at any time during the review period. Requests for such additional information shall not stay the time limitations as set forth in Section 11.2 of these regulations.
- 8.7 All applications shall be open for public inspection.
- 8.8 Incomplete applications may be denied.

Section 9 Public Hearings on Permit Applications

- 9.1 The Commission shall not hold a public hearing on a permit application unless the Commission determines that the proposed activity may have a significant impact on wetlands or watercourses, a petition signed by at least twenty-five (25) persons requesting a hearing is filed with the Commission not later than fourteen (14) days after the date of receipt of such application or the Commission finds that a public hearing regarding such application would be in the public interest. The Commission

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may issue a permit without a public hearing provided no petition provided for in this section is filed with the Commission on or before the fourteenth day after the date of receipt of the application. Such hearing shall be held no later than sixty-five (65) days after the date of receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. Any person may appear and be heard at any public hearing.

- 9.2 Notice of any public hearing on an application shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days and not fewer than ten (10) days, and the last not less than two (2) days before the date set for the hearing.
- 9.3 The applicant shall mail notice of any public hearing on an application by certified mail, return receipt requested, to the owner(s) of record of all abutting land no less than fifteen (15) days prior to the day of the hearing. Proof of such mailing shall be provided to the Commission no later than the date of completion of the hearing.
- 9.4 In the case of any application that is subject to the notification provisions of Section 8.3 of these regulations, the Commission shall not commence a public hearing until the clerk of each affected, adjoining municipality has received notice of the pendency of the application.

Section 10 Considerations for Decision

- 10.1 The Commission may consider, but shall not be bound by, the following in making its decision on an application:
 - a. The application and its supporting documentation.
 - b. Public comments, evidence and testimony.
 - c. Reports from other offices, agencies and commissions, including but not limited to the Town of Bridgewater Planning and Zoning Commission, Building Official, and Health Officer.
 - d. Comments from the Litchfield County Soil and Water Conservation District, the Housatonic Valley Council of Elected Officials or other regional planning agencies or organizations, agencies in adjacent municipalities that may be affected by the proposed activity, or other technical agencies or organizations that may undertake additional studies or investigations.
- 10.2 In carrying out the purposes and policies of the Inland Wetlands and Watercourses Act and these regulations, including matters relating to regulation, licensing and enforcement, the Commission shall take into consideration all relevant facts and circumstances, including but not limited to:

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- a. The environmental impact of the proposed regulated activities on wetlands or watercourses;
 - b. The applicant's purpose for the proposed regulated activities, and any feasible and prudent alternatives to such activities that would cause less or no environmental impact to wetlands or watercourses;
 - c. The relationship between the short-term and long-term impacts of the proposed regulated activities on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses;
 - d. Irreversible and irretrievable loss of wetland or watercourse resources that would be caused by the proposed regulated activities, including the extent to which such activities would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures that may be considered as a condition of issuing a permit for such activities including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority, restore, enhance and create productive wetland or watercourse resources;
 - e. The character and degree of injury to, or interference with, safety, health or the reasonable use of property that is caused or threatened by the proposed regulated activities;
 - f. The impacts of the proposed regulated activities on wetlands or watercourses outside the areas for which the activities are proposed; and
 - g. Future activities associated with, or reasonably related to, the proposed regulated activities that are made inevitable by the proposed regulated activities and that may have an impact on wetlands or watercourses.
- 10.3 In the case of an application that received a public hearing pursuant to a finding by the Commission that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Commission finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding the Commission shall consider the facts and circumstances set forth in Section 10.2. The finding and the reasons therefor shall be stated on the record in writing.
- 10.4 In the case of an application that is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activities that have less adverse impact on wetlands or watercourses, the Commission shall propose on the record in writing the types of alternatives that the applicant may investigate, provided this Section 10.4 shall not be construed to shift the burden from the applicant to prove that the applicant is entitled to the permit, or to present alternatives to the proposed regulated activities.
- 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. In making its decision, the Commission shall not consider documentary evidence or other material that was submitted after the close of the hearing, except that the Commission may consider

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comments or explanations offered by the Town's or Commission's staff or consultants on evidence that was submitted prior to the close of the hearing. A conclusion by the Commission that a feasible and prudent alternative does not exist shall not create a presumption that a permit should be issued; rather, the Commission may still deny the requested permit if it determines that the impacts of the proposed activities on wetlands or watercourses would be unacceptably harmful. The applicant has the burden of demonstrating that the application is consistent with the purposes and policies of these regulations and of the Inland Wetlands and Watercourses Act.

- 10.6 In the case of an application where the applicant has provided written notice pursuant to subsection 7.9c of these regulations, the holder of the restriction may provide proof to the inland wetlands agency that granting of the permit application will violate the terms of the restriction. Upon a finding that the requested land use violates the terms of such restriction, the inland wetlands agency shall not grant the permit approval.
- 10.7 In the case of an application where the applicant fails to comply with the provisions of subsections 7.9c or 7.9d of these regulations, the party holding the conservation or preservation restriction may, not later than fifteen days after receipt of actual notice of permit approval, file an appeal with the inland wetlands agency, subject to the rules and regulations of such agency relating to appeals. The inland wetlands agency shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction.

Section 11 Decision Process and Permit

- 11.1 The Commission, 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; 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 and conditions may include any reasonable measures that would mitigate the impacts of the regulated activities and that would (a) prevent or minimize pollution or other environmental damage, (b) maintain or enhance existing environmental quality, or (c) in the following order of priority, restore, enhance and create productive wetland or watercourse resources.
- 11.2 No later than sixty-five (65) days after receipt of an application, the Commission may hold a public hearing on such application pursuant to the conditions set forth in Section 9.1. The hearing shall be completed within forty-five (45) days of its commencement. Action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days after the date of receipt of the

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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 longer than the original period as specified in this subsection. The applicant may also withdraw such application at any time before the Commission makes a decision on such application. The failure of the Commission to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Commission shall be withdrawn by the applicant or denied by the Commission.

- 11.3 The Commission shall state upon its record the reasons and bases for its decision and, in the event a public hearing was held on the application, such decision shall be based fully on the record of such hearing and shall be in writing. If required under Section 10 of these regulations, the decision shall incorporate a written statement relative to the consideration of feasible and prudent alternatives.
- 11.4 The Commission shall notify the applicant and any other person entitled to notice of its decision within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the Commission shall cause notice of its order in the issuance or denial of the permit to be published in a newspaper having a general circulation within the Town. 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 (10) days thereafter.
- 11.5 If an application involves an activity that also requires a zoning site plan approval, special permit or special exception under Sections 8-3(g) or 8-3c of the Connecticut General Statutes (1997), as amended, or involves an area that contains one or more wetlands or watercourses and is the subject of a subdivision application under Section 8-26 of the Connecticut General Statutes (1997), as amended, the Commission shall submit a copy of the Commission's decision and report on the application to the Town of Bridgewater Planning and Zoning Commission within fifteen (15) days after the date of the decision.
- 11.6 Any permit issued by the Commission for the development of land for which a zoning or subdivision approval is required under Section 8-3, 8-25 or 8-26 of the Connecticut General Statutes shall be valid for five (5) years, provided the Commission may establish a specific time period within which any regulated activity shall be conducted. Any permit issued by the Commission for any other activity shall be valid for not less than two (2) years and not more than five (5) years. The Commission may extend (a) the time period of the original permit provided such period shall not extend beyond ten (10) years from the date such permit was granted, or (b) the time period within which an activity, once commenced, is required to be completed. Any permit that has not expired prior to May 9, 2011 may apply for time period extensions, not to exceed 14 years from the permit date.

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- 11.7 No permit issued by the Commission shall be assigned or transferred without the written permission of the Commission. However, the Commission shall not deny any proposed assignment or transfer of a permit unless it determines that one or more conditions of the permit have not been met or that such conditions cannot or will not be met by the proposed transferee.
- 11.8 If a bond, insurance or other financial security is required in accordance with Section 13 of these regulations, the Commission may withhold issuing the permit until such security is provided. The Commission may revoke any permit if such security lapses or is terminated before the regulated activities to which such security was related are completed or, in the event the Commission has required post-completion maintenance security, before the specified maintenance period has ended.
- 11.9 General provisions in the issuance of all permits:
- a. The permittee shall notify the Commission prior to the commencement of work and upon the completion of work by returning START and FINISH CARDS.
 - b. Each regulated activity shall be completed within one year of the commencement of the activity. If the activity is not completed, the permittee may request an extension in accordance with Section 7 of these regulations.
 - c. In evaluating applications, the Commission may rely in whole or in part on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete or inaccurate, the Commission may modify, suspend or revoke the permit.
 - d. 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 Town of Bridgewater, 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 subject land or activities.
 - e. If the activities authorized by the Commission's permit also involve one or more activities that require zoning or subdivision approval or a special permit, variance or special exception under Sections 8-3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit may begin until all such approvals are obtained. If any changes in any permitted activity should be required by another Town Commission or Department and such changes may affect wetlands, watercourses, drainage or regulated areas, the changes must be submitted and approved by the Commission prior to commencement of the activity. If the permittee fails to submit such changes to the Commission for review, the permit shall be deemed null and void.
 - f. The permittee shall employ best management practices for the control of soil erosion and sedimentation at all times during the permitted activities, consistent with the "Guidelines for Soil Erosion and Sediment Control", revised 1988, published by the Connecticut Council on Soil and Water Conservation. Further, the permittee shall take all necessary steps to control stormwater discharge and to

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otherwise prevent pollution of wetlands and watercourses. Following the issuance of any permit under these regulations, the Commission may require that additional soil erosion and sediment control measures be employed if it finds that site conditions warrant such measures.

- g. No equipment or material, including fill, construction material or debris, shall be deposited, placed or stored in any wetland or watercourse, on or off site, unless specifically authorized by the Commission.
- h. Permits are not assignable or transferable without the prior written consent of the Commission. However, the Commission shall not deny any proposed transfer of a permit unless it determines that one or more conditions of the permit have not been met or that such conditions cannot or will not be met by the proposed transferee.

Section 12

Action by Duly Authorized Agent

- 12.1 The Commission may delegate to its duly authorized agent the authority to approve or extend an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses, provided such agent has completed the comprehensive training program developed by the Commissioner of Environmental Protection pursuant to Section 22a-39 of the Connecticut General Statutes (1997), as amended. Requests for such approval shall be made on a form provided by the Commission and shall contain the information listed under Section 7.3 of these regulations and any other information the Commission may reasonably require. Notwithstanding the provisions for receipt and processing of applications prescribed in Sections 8, 9 and 11 of these regulations, such agent may approve or extend the approval of such an activity at any time.
- 12.2 Any person receiving such approval or extension from such agent shall, within ten (10) days of the date of such approval or extension, publish, at the applicant's expense, notice of the approval or extension in a newspaper having a general circulation in the Town of Bridgewater. Any person may appeal such decision of such agent to the Commission within fifteen (15) days after the publication date of the notice and the Commission shall consider such appeal at its next regularly scheduled meeting, provided such meeting is no earlier than three (3) business days after the date of receipt of such appeal by the Commission or its agent. Any person may appear and be heard at the meeting held by the Commission to consider the subject appeal. The Commission shall, in its discretion, sustain, alter, or reject the decision of its agent or require an application for a permit in accordance with Section 7 of these regulations.

Section 13

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Security

- 13.1 Upon approval of an application and prior to the issuance of a permit, the Commission may, in its discretion, require the applicant to file a bond or other security, with such surety, and in such amount and form, as the Commission may approve.
- 13.2 The bond or other security shall be conditioned on compliance with all provisions of these regulations and the terms, conditions and limitations established in the permit.

Section 14 Enforcement

- 14.1 The Commission may appoint an agent or agents to act in its behalf with the authority to inspect property, to issue notices of violation or enforcement orders pursuant to Section 14.3, and to carry out other actions or investigations necessary for the enforcement of these regulations. In carrying out the purposes of this Section, the Commission or its duly authorized agent shall take into consideration the criteria for decision under Section 10.2 of these regulations.
- 14.2 The Commission or its authorized 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 authorized agent finds that any person is conducting or maintaining any activity, facility or condition that is in violation of the Act or these regulations, the Commission or its authorized agent may, without limitation:
 - a. Issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order, the Commission shall hold a hearing to provide the person an opportunity to be heard and to 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 publish notice of its decision in a newspaper having general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the Commission affirms, revises or withdraws the order. The issuance of an order pursuant to this subsection shall not delay or bar an action pursuant to Section 22a-44(b) of the Connecticut General Statutes (1997), as amended.

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- b. Suspend or revoke a permit if it finds that the permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application, including application plans. Prior to revoking or suspending any permit, the Commission shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct that warrants the intended action. The Commission shall hold a hearing to provide the permittee an opportunity to show that the permittee is in compliance with the permit and with any and all requirements for retention of the permit. The Commission shall notify the permittee of its decision to suspend, revoke, or maintain a permit by certified mail within fifteen (15) days of the date of its decision. The Commission shall also publish notice of any decision to suspend or revoke a permit in a newspaper having general circulation in the Town within fifteen (15) days of the date of the decision.
- c. Issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation and 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 file an application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in the issuance of an order, as provided in subsection 14.3.a or other enforcement proceedings as provided by law.

14.4 The Commission may impose fines for violations to the extent authorized by law.

Section 15 Amendments

- 15.1 These regulations and the inland wetlands and watercourses inventory map for the Town of Bridgewater may be amended, from time to time, by the Commission in accordance with changes in the Connecticut General Statutes or regulations of the Connecticut Department of Environmental Protection, as new information regarding soils and inland wetlands and watercourses becomes available, or as the Commission may otherwise deem appropriate.
- 15.2 An application filed with the Commission that is in conformance with the applicable inland wetlands and watercourses regulations as of the date of receipt of such application shall not be required thereafter to comply with any change in the inland wetlands and watercourses regulations, including changes to buffers, taking effect on or after the date of such receipt. The provisions of this Section shall not be construed to apply (i) to the establishment, amendment or change of boundaries of inland wetlands or watercourses, or (ii) to any change in regulations necessary to

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make such regulations consistent with the provisions of the Act as of the date of such receipt.

- 15.3 These regulations and the inland wetlands and watercourses inventory map may be amended in the manner specified in Section 22a-42a of the Connecticut General Statutes (1997), as amended. The Commission shall provide the Commissioner of Environmental Protection with a copy of any proposed regulations and with notice of the public hearing to consider any proposed regulations or amendments thereto, except determinations of boundaries, at least thirty-five (35) days before the public hearing on such proposed amendments.
- 15.4 Petitions requesting changes or amendments to the "Inland Wetlands and Watercourses Map, Bridgewater, Connecticut" shall contain at least the following information:
- a. The petitioner's name, mailing address and telephone number;
 - b. The petitioner's interest in the land affected by the petition;
 - c. The address, or location, of the land affected by the petition;
 - d. The names and mailing addresses of the owners of all land abutting the property that would be affected by the proposed changes or amendments;
 - e. Map(s) showing the geographic location of the land affected by the petition and the existing and proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations;
 - f. Documentation by a soil scientist of the distribution of wetland soils on the land proposed to be affected by the amendment. Such documentation shall, at a minimum, include the report of the soil scientist documenting the location of wetland soils on the land and a map of the land indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types; and
 - g. The reasons for the requested action.
- 15.5 Any person who submits a petition to amend the "Inland Wetlands and Watercourses Map, Bridgewater, Connecticut" shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation of aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the Commission. If such person is the owner, developer or contract purchaser of the land which is the subject of the petition, or is such person is representing the interests of such an owner, developer or purchaser, in addition to the information required in subsection 15.4, the petition shall include:
- a. the name, address and telephone number of the owner(s) of such land and owner(s) agent or other representative; and
 - b. map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.

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- 15.6 A public hearing shall be held on every petition to amend the inland wetlands and watercourses inventory map. Notice of each such hearing shall be published in a newspaper having substantial circulation in the Town at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days, and the last not less than two (2) days, before such hearing. A copy of such proposed boundary change shall be filed in the office of the Town Clerk for public inspection at least ten (10) days before such hearing.
- 15.7 Within ninety (90) days after the submission 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 longer than the original period as specified in this subsection. The petitioner may also 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.
- 15.8 The Commission shall make its decision and state, in writing, the reasons why any change was made in the inland wetlands and watercourses inventory map.

Section 16 Appeals

- 16.1 Appeals on actions of the Commission may be made to the extent and in the manner provided by law.

Section 17 Conflict and Severance

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

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Section 18 Other Permits

18.1 Nothing in these regulations shall obviate any requirement for the applicant to obtain any other approvals, permits or licenses required by law or regulation by the Town of Bridgewater, the State of Connecticut or the United States of America, including any approval required by the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers. Obtaining such approvals, permits or licenses is the sole responsibility of the applicant.

Section 19 Application Fees

19.1 All fees required by these regulations shall be submitted to the Commission payable to the Town of Bridgewater at the time the application is filed with the Commission.

19.2 No application shall be granted or approved by the Commission unless the correct application fee is paid in full or unless a waiver has been granted by the Commission pursuant to subsection 19.7 of these regulations.

19.3 The application fee is not refundable unless the Commission, or its duly authorized agent, rules that it has no jurisdiction over the proposed activity. Under no circumstance is the State mandated portion of the fee (currently \$30.00) refundable.

19.4 As used in this Section:

"Residential" refers to property developed for permanent housing or being developed to be occupied by permanent housing.

"Commercial" refers to property developed for industry, commerce, trade, recreation, or business or being developed to be occupied for such purposes, for profit or nonprofit.

19.5 Fees shall be based on the following schedule:

- a. Copies of Regulations: \$2.00 - available from the Town Clerk
- b. All applications require the following fee(s) (Checks made payable to the Town of Bridgewater) which include a fee mandated by the State of Connecticut to fund environmental review teams (currently \$30.00):

1. Subdivision/Resubdivision Review: Base Fee \$100.00, plus \$100.00 per lot, plus the fee mandated by the State of Connecticut (currently \$30.00). The

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Subdivision/Resubdivision Review Fee covers only the division of land.
Additional applicable fee(s) will be due as set forth below.

2. One Single-family Residential Unit Review (limit of one residential unit per lot): \$60.00, plus the fee mandated by the State of Connecticut (currently \$30.00).
 3. One Two-family Residential Unit(s) Review (limit of two residential units per lot): \$120.00, plus the fee mandated by the State of Connecticut (currently \$30.00).
 4. Other Multi-family Residential Unit(s) Review: Base Fee of \$100 per building, plus \$100 for each residential unit, , plus the fee mandated by the State of Connecticut (currently \$30.00).
 5. All other regulated activities (including, but not limited to, additions, swimming pools, tennis courts, septic systems, ponds, out-buildings, etc.) Review: \$30.00, plus the fee mandated by the State of Connecticut (currently \$30.00).
 6. Commercial Site Review: Base Fee \$500.00, plus \$500.00 per half acre (or fraction thereof) of area of disturbance as determined by the Commission, plus the fee mandated by the State of Connecticut (currently \$30.00).
 7. Permit Amendment: 30% of original fee, plus the fee mandated by the State of Connecticut (currently \$30.00).
 8. Permit Renewal: \$20.00, plus the fee mandated by the State of Connecticut (currently \$30.00)
 9. Public Hearing (if necessary): \$300.00 per hearing.
 10. Non-regulated Permit processing fee: \$10.00, plus the fee mandated by the State of Connecticut (currently \$30.00).
- 19.6 Boards, commissions, councils and departments of the Town of Bridgewater are exempt from all fee requirements.
- 19.7 The applicant may petition the Commission to waive, reduce or allow delayed payment of the fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Commission should consider in its determination under this subsection. The Commission may waive all or part of the application fee if the Commission determines that:
- a. The activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the applicant would reasonably

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- be deterred from initiating the activity solely or primarily as a result of the amount of the application fee, or
- b. The amount of the application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application.

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

Section 20 Records Retention and Disposition

- 20.1 The Commission and the Town Clerk of the Town of Bridgewater 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 Agencies effective April 24, 1989:

<u>RECORD TITLE</u>	<u>MINIMUM RETENTION REQUIRED IN AGENCY</u>	<u>TOWN CLERK</u>
Applications (inc. 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 Meetings & Public Hearings	15 years	Permanent
Tapes, Audio-Inland Wetland Matters	4 years	-
Notices of Violation & Orders	10 years	-
Text of Changes Adopted In Regulations	Continuous Update/ Permanent	-

BRIDGEWATER INLAND WETLANDS AND WATERCOURSE REGULATIONS

General Correspondence Issued or Received	5 years	-
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Section 21
Effective Date of Regulations

21.1 These regulations shall be effective upon filing in the Office of the Town Clerk and publication of a notice of such filing in a newspaper having general circulation in the Town of Bridgewater.