INLAND WETLANDS AND WATERCOURSES REGULATIONS OF THE TOWN OF WATERTOWN, CONNECTICUT

WATERTOWN CONSERVATION COMMISSION / INLAND WETLAND AGENCY
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HISTORIC NOTES


Effective July 20, 1990, the original Inland Wetland and Watercourse Regulations were completely revised and updated.

Effective April 27, 2009, the Inland Wetland and Watercourse Regulations were revised and updated.

Effective August 19, 2010, the Inland Wetland and Watercourse Regulations were revised and updated.

Effective February 17, 2011, the Inland Wetland and Watercourses Regulations were revised and updated.

Effective May 3, 2012, the Inland Wetland and Watercourse Regulations were revised and updated.

Effective October 18, 2012, The Inland Wetland and Watercourse Regulations were revised and updated.

Effective April 6, 2024, The Inland Wetland and Watercourse Regulations were revised and updated. These regulations are amended periodically to incorporate any changes or modifications as required. These regulations as well as all revisions and amendments are adopted under the authority of the Inland Wetlands and Watercourses Act, Chapter 440 of the General Statutes of the State of Connecticut.

WATERTOWN CONSERVATION COMMISSION / INLAND WETLAND AGENCY

Regular Members:  Craig Palmer, Chairperson
                     Tom Murphy, Vice-Chairperson
                     Edwin Dalton, Secretary
                     Joseph Polletta
                     Luigi Cavallo, Jr.
                     Edward Norton
                     Michael Jedd, Jr.

Alternates:         Charles Beliveau

Staff:              Moosa Rafey, Wetland Enforcement Officer
                    Mark Massoud, Administrator of Land Use
                    Paul Bunevich, Town Engineer

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Section 1
Title and Authority

1.1 The inland wetlands and watercourses of the State of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life. Many inland 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 and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the state for its citizens now and forever more. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. It is, therefore, the purpose of these regulations to protect the citizens of the state by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the state's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

1.2 These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the Town of Watertown, Connecticut."

1.3 The Conservation Commission / Inland Wetland Agency of the Town of Watertown, Connecticut was established in accordance with an ordinance adopted on June 4, 1973 and shall implement the purposes and provisions of these regulations and the Inland Wetlands and Watercourses Act in the Town of Watertown.

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 Agency shall enforce the Inland Wetlands and Watercourses Act and shall issue, issue with terms, conditions, limitations or modifications, or deny permits for all regulated activities in the Town of Watertown, Connecticut pursuant to Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.

Section 2 Definitions

2.1 As used in these regulations:

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


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

“CGS” are the Connecticut General Statutes as may be amended.

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

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

"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.

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

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

“Duly Authorized Agent” means Agency’s Wetlands Enforcement Officer

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

"Farming" shall be consistent with the definition as noted in section 1-1(q) of the Connecticut General Statutes. (See Appendix A)
“Feasible” means able to be constructed or implemented consistent with sound engineering principles.

“License” means the whole or any part of any permit, certificate of approval or similar form of permission which may be required of any person by the provisions of sections 22a-36 to 22a-45, inclusive.

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

"Marshes" are watercourses that are distinguished by the absence of trees and shrubs and the dominance of soft-stemmed herbaceous plants. The water table in marshes is at or above the 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, mud, debris, sand, refuse or waste.

"Municipality" means the Town of Watertown.

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

"Permit" see license

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

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

"Pollution" means harmful thermal effect or the contamination or rendering unclean or impure of any waters of the state by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly 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.
“Prudent” means economically and otherwise reasonable in light of the social benefits to be derived from the proposed regulated activity provided cost may be considered in deciding what is prudent and further provided a mere showing of expense will not necessarily mean an alternative is imprudent.

"Regulated activity" Means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration, disturbance by vehicles or equipment, or pollution, of such wetlands or watercourses, but shall not include the specified activities in CGS section 22a-40. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging storm water, or location of a waste disposal system within 150 feet measured horizontally from the boundary of a wetland or top of bank of watercourse ("upland review area") is a regulated activity. The Agency may rule that if other activity located within such upland review area or in any other non-wetland or non-watercourse area including but not limited to any area within 300 feet horizontally of any vernal pool delineated by a wetlands scientist or other qualified expert, is likely to impact or affect wetlands or watercourses, and is a regulated activity.

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

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

"Significant impact" means any activity, including, but not limited to, the following activities which may have a major effect:

1. Any activity involving deposition or removal of material which will or may have a substantial effect on the wetland or watercourse or on wetlands or watercourses outside the area for which the activity is proposed.

2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.

3. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to: support aquatic, plant or animal life and habitats; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other functions.

4. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse.

5. Any activity which causes substantial diminution of flow of a natural watercourse or groundwater levels of the wetland or watercourse.
6. Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse.

7. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.

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

"Swamps" are watercourses that are distinguished by the dominance of wetland trees and shrubs.

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

"Town" means the Town of Watertown.

“Vernal Pool” Means a small, isolated body of standing freshwater that provides breeding habitat for certain species of wildlife and has the following characteristics:
* Contains water for approximately two months during a normal growing season; and
* Occurs within a confined depression or basin that lacks a permanent outlet stream; and
* Lacks any fish populations; and
* Dries out most years, usually by late summer; and
* Is capable of supporting obligate vernal pool species such as spotted salamander, Jefferson salamander, marbled salamander, wood frog, eastern spadefoot toad and fairy shrimp.

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

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

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

Section 3

Inventory of Inland Wetlands and Watercourses

3.1 The map of wetlands and watercourses entitled "Inland Wetlands and Watercourses Map, Watertown, Connecticut" delineates the general location 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 Agency. In all cases, the precise location of wetlands and watercourses shall be determined by the actual character of the land, the distribution of wetland soil types and location of watercourses. Such determination shall be made by field inspection and testing conducted by a soil scientist where soil classifications are required, or where watercourse determinations are required, by any other qualified individuals. The Agency 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. Final determination of all wetland areas and/or watercourse areas shall be made by the Agency. Final determination of any regulated activity which may alter, affect or pollute a wetland or watercourse shall be made by the Agency.

3.2 Any person may petition the Agency for an amendment to the map. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall bear the burden of proof regarding the proposed map amendment. Such proof may include, but not be limited to aerial photography, remote sensing imagery, resource mapping or other available information. The Agency may require such person to provide an accurate delineation of regulated areas in accordance with section 15 of these regulations.

3.3 The Agency shall maintain a current inventory of regulated areas within the town. The Agency may amend its map as more accurate information becomes available.

3.4 All 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 inland wetlands and watercourses, as of right:

a. grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The
provisions of this 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, the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;

b. residential home (A) for which a building permit has been issued or (B) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal Planning and Zoning Commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of Section 22a-42a, or as of July 1, 1974, which ever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subdivision unless the permit was obtained on or before July 1, 1987.

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

d. uses incidental to the enjoyment and maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality and containing a residence. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of significant amounts of material from or onto a wetland or watercourse, or diversion or alteration of a watercourse;

e. Construction and operation, by water companies as defined by section 16-1 of the Connecticut General Statutes or by municipal water supply systems as provided for in chapter 102 of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in sections 22a-401 and 22a-403 of the Connecticut General Statutes;

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

g. Withdrawal of water for fire emergency purposes.

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

b. outdoor recreation including play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting, fishing and shellfishing where otherwise legally permitted and regulated; and

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

4.3 All activities in wetlands or watercourses involving filling, excavating, dredging, clear cutting, clearing, or grading or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these regulations shall require a permit from the Agency in accordance with section 6 of these regulations, or for certain regulated activities located outside of wetlands and watercourses from the duly authorized agent in accordance with section 12 of these regulations.

4.4 To carry out the purposes of this section, any person proposing a permitted operation and use or a nonregulated operation and use shall, prior to commencement of such operation and use, notify the Agency on a form provided by it, and provide the Agency with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or nonregulated use of a wetland or watercourse. The Agency shall rule that the proposed operation and use or portion of it is a permitted or nonregulated operation and use or that the proposed operation and use is a regulated activity and a permit is required.

**Section 5**

**Activities Regulated Exclusively by the Commissioner of Environmental Protection**

5.1 The Commissioner of Environmental Protection shall have exclusive jurisdiction over regulated activities in or affecting wetlands or watercourses, undertaken by any department, agency or instrumentality of the State of Connecticut, except any local or regional board of education, pursuant to sections 22a-39 or 22a-45a of the Connecticut General Statutes.

5.2 The Commissioner of Environmental Protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended.
5.3 The Commissioner of Environmental Protection shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of Environmental Protection under section 22a-402 of the Connecticut General Statutes or a permit issued by the Commissioner of Environmental Protection under sections 22a-403 of the Connecticut General Statutes. Any person receiving such dam repair or removal order or permit shall not be required to obtain a permit from a municipal wetlands agency for any action necessary to comply with said dam order or to carry out the activities authorized by said permit.

5.4 The Commissioner of Environmental Protection shall have exclusive jurisdiction over the 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.

Section 6
Regulated Activities to beLicensed

6.1 No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Conservation Commission / Inland Wetland Agency of the Town of Watertown.

6.2 Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Agency, 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 intending to conduct, or cause to be conducted, a regulated activity or to renew, extend or modify a permit, shall, prior to the commencement of such activity, apply for a permit on a form provided by the Agency. Application forms may be obtained in the office of the Agency or on the Town of Watertown website. The application shall contain the information described in this section and any other information the Agency may reasonably require. The Agency or their staff may also, at its discretion, waive or modify the requirements set forth below. Applicants are encouraged to consult with the staff of the Agency to determine which, if any, of the requirements are not required. Approved waivers and/or modifications of these requirements shall not be construed as a basis to find an application incomplete.

7.2 If an application to the Town of Watertown Planning and Zoning Commission for subdivision or resubdivision of land, or Site Plan Approval or Special Permit involves land containing a wetland or watercourse, the applicant shall, in accordance with CGS Sections 8-3(g), 8-3c, or 8-26, as applicable, submit an application for a permit to the
Agency in accordance with this section, no later than the day the application is filed with such Planning and Zoning Commission.

7.3 The Agency or its duly authorized Agent, where appropriate, will determine whether a proposed activity does not fall within the Agency’s jurisdiction, or whether it qualifies for a review by a duly authorized Agent, or the Agency, or and whether it involves a significant impact activity. Activities eligible for review and approval by the Agency’s duly authorized Agent are generally smaller in scope and shall not include any activities in a wetland or watercourse. “Significant impact activities” are further defined in Section 2.1 of these Regulations.

7.4 In the case where an activity qualifies for duly authorized Agent review, the applicant shall submit the original and three collated copies of the application and supporting documentation in written and electronic form. Applications to be reviewed by the Agency require the applicant to submit, in written and electronic form, the original and eleven collated copies of all application materials unless otherwise directed, in writing, by the Agency or its staff. The Agency reserves the right to request additional copies, as needed.

7.5 All applications shall contain such information as is necessary for a fair and informed determination therein by the Agency or its duly authorized Agent. Omission of information or submission of incorrect information shall be sufficient grounds for the revocation of any permit issued under these Regulations and/or for penalties to be imposed in accordance with section 14 of these Regulations.

7.6 All applicants shall certify whether:

a. Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;

b. Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;

c. Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality;

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

e. Any portion of the property is within the watershed of any water company which has filed a Watershed Boundary Map on the land records and at the office of the Agency.

7.7 All applications shall include the following information in writing on an application form provided by the Agency:
a. the applicant’s name, mailing address, telephone number, and email address. If the applicant is not the owner, written consent of the land owner to the proposed activity set forth in the application shall be provided;

b. the owner’s name, mailing address and telephone number and email address. If the owner is a corporation or other entity, the name, address, email and phone number of a principal shall be included;

c. Applicant’s interest in the land;

d. A brief description of the proposed regulated activity

e. Statement that 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; and

d. Authorization for the Agency and its authorized Agents to inspect the property, at reasonable times both before and after a final decision has been issued, while the regulated activities are being conducted, and at any time thereafter up to and including the period of time in which the applicant’s bond is in effect in order to ensure that the activities are being conducted in accordance with the permit.

Submission of the appropriate application fee based on the fee schedule as established in section 19 of these Regulations.

7.9 Applications to conduct regulated activities subject to review by a duly authorized Agent shall, include the following information in addition to the requirements of section 7.7 and 7.8 as required by the Agent;

a. Description of the existing site conditions and purpose and description of the proposed activity, erosion and sedimentation controls and other management practices as applicable;

b. A plan containing sufficient detail to accurately depict existing and proposed conditions and erosion and sediment controls, as warranted;

c. Wetlands shall be delineated by a soil scientist and a soils report shall be submitted indicating the series of flags for each wetland area, the on-site soil types, and a sketch depicting his or her work.

Watercourses shall be delineated by a certified soil scientist, ecologist, geologist, wetland scientist, or other qualified professional. The flag delineating these features shall be located and depicted on a map by a licensed surveyor.
d. A location map at a scale of 1”=1,000’ showing the location of the land which is the subject of the proposed activity;

e. Recent photographs of the areas in question from multiple angles sufficient to illustrate all pertinent aspects of the proposed activities and potential impacts. The photos shall be labeled and cross referenced on a reduced copy of the site plan;

f. GIS map of the subject property, in color and sized to fit 8.5”X11”;

g. Names and addresses of adjoining property owners, including those across the street, as listed in the records of the Watertown Tax Assessor. If land abutting or across the street from the subject property is a “common interest community”, as defined in Chapter 828 of the Connecticut General Statutes and a unit owners’ association has been organized for such common interest community, the applicant need only submit the name of the unit owners’ association;

h. Copy of Certificates of Mailing to the property owners identified in 7.9g and a copy of the letter sent to inform the property owners of the pending application;

i. Copy of the record card from the Tax Assessor’s office;

j. A completed DEEP reporting form. The Agency shall revise or correct the information provided by the applicant, as may be necessary, and shall submit the form to the Commissioner of Energy and Environmental Protection in accordance with section 22a-39-14 of the Regulations of Connecticut State Agencies;

k. Evidence of compliance with the 2000 State of Connecticut Department of Transportation Drainage Manual (or latest revision), the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (or latest revision), and the 2004 Connecticut Stormwater Quality Manual (or latest revision); and

l. Other documentation deemed necessary for review by the duly authorized Agent

7.10 Applications to conduct regulated activities subject to review by the Agency, but not deemed to include significant impacts shall, include the following information in addition to the requirements of sections 7.7, 7.8 and 7.9:

a. Project narrative describing the proposed activity and its purpose, erosion and sedimentation controls, and other management practices, and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, and/or (3) in the following order of priority; restore, enhance, and create productive wetland or watercourse resources;
b. Site plans showing existing and proposed conditions, prepared by licensed professionals, at a scale of 1”=50’ or larger showing features including property boundaries, site improvements, tree line, trees greater than 6 inches dbh within the proposed limit of disturbance, limits of wetlands and watercourses on-site and as practical, off-site within 150 feet, as prescribed in section 2.1 “Upland Review Area” of these Regulations, topographic information at two foot intervals; easements, stonewalls, drainage structures, utilities, trees to be removed and/or protected, and identifying any further activities associated with or reasonably related to the proposed regulated activities which are made inevitably by the proposed regulated activity and which may have an impact on wetlands or watercourses. Each map shall have a title block, north arrow, scale, and when the parcel is vacant, the number of the nearest telephone pole.

c. Site plans as described above reduced to fit 11”x17” ledger paper

d. Erosion and Sedimentation Control Plan showing limits of sediment barriers, limits of clearing, phasing, sediment basins, stockpile areas, anti-tracking pads, protection at drainage structures, protection of proposed infiltration areas, site specific construction sequence, detail specifications, and other methods and specifications of erosion and sediment control, as warranted;

e. Alternative(s) considered and subsequently rejected by the applicant diagramed on site plans or drawings;

f. A biological narrative describing the site, its wetlands and watercourses, and the effect the proposed activity may have on those wetlands and watercourses. The narrative shall also include measures utilized to avoid, minimize, or mitigate such impacts. The report shall be prepared and signed by a wetland scientist, ecologist, or other professional qualified to make such assessments; and

g. Additional information as required by the Agency or its staff deemed necessary to the understanding of what the applicant is proposing. This information may be required at any time prior to the issuance of a decision on an application for a permit, or in the case of an application on which a public hearing is conducted, at any time prior to the close of the public hearing, the Agency may require the applicant to provide additional information about the land or regulated activity which is the subject of the application.

7.11 Applications to conduct regulated activities subject to review by the Agency that may include significant impact activity shall include, the following information in addition to the requirements of sections 7.7, 7.8, 7.9 and 7.10:

a. Site plans for the proposed activity and the land which will be affected thereby which show existing (A-2 or T-2 topographic survey) and proposed conditions, wetland and watercourse boundaries, upland review areas, existing and proposed land contours, boundaries of land ownership, proposed alterations and uses of wetland and watercourses, and other pertinent features of the land and the proposed activity, prepared by a professional engineer, land surveyor, architect or landscape architect licensed by the
state, or by such other qualified professional. The map shall be at a scale as the Agency may deem suitable for the review of the project. All maps shall be signed and sealed by the licensed professional responsible for their preparation;

b. Engineering reports, analysis and additional drawings to fully describe the proposed activity including any construction, structures, filling, excavation, drainage or hydraulic modifications to watercourses and the proposed Erosion and Sedimentation Control Plan. All reports shall be signed and sealed by the Connecticut licensed professional engineer responsible for their preparation;

c. Biological evaluation based upon a methodology acceptable to the Agency, prepared by a wetland scientist, ecologist, or other qualified professional that provides a description of the ecological communities, functions, and values of the wetlands, watercourses, and Upland Review Area involved with the application. The report should also describe the extent of the presence of plant species commonly associated with wetlands and watercourses. Description of how the proposed activities will change, diminish, or enhance the ecological communities and functions of the wetlands, watercourses, and/or upland review area involved in the application and each alternative considered. Narrative detailing why each alternative was deemed neither feasible nor prudent shall be included. The report shall be signed by the professional responsible for its preparation;

d. Management practices and other measures designated to mitigate the impact of the proposed activity. Such measures could include, but need not be limited to plans or actions that avoid destruction or diminution of the wetland and/or watercourse functions, recreational uses, and natural habitats; that prevent flooding, degradation of water quality, erosion and sedimentation, obstruction of drainage; safeguard water resources; provide for wetland/watercourse habitat and functions and other legal measures designed to preserve and protect adjacent wetland and watercourse areas and natural buffers; and

e. Watercourse characteristics and impact. If the Agency has reason to believe the proposed activities may potentially affect a watercourse, the applicant shall submit quantitative information of water quality and quantity relative to the present character both upstream and downstream of the watercourse on the subject property, including the comparison of existing and anticipated discharges where downstream flooding is a consideration, and the projected impact, including storm water impacts, of the proposed activity upon the watercourse.

7.12 The Agency’s duly authorized Agent shall be empowered to temporarily authorize regulated activities in an emergency upon receipt of a qualifying application. Any activity authorized pursuant to this section shall be reviewed by the Agency at its next regularly scheduled meeting. The agency may ratify such temporary authorization and issue a permit approving the same, or may seek additional information or impose such additional special conditions as it may deem appropriate.

7.13 Any Application to renew, extend or modify an existing permit shall be filed with the Agency in accordance with section 8 of these Regulations at least sixty-five (65) days
prior to the expiration date of the permit. Any application to renew, extend or modify such an existing permit shall contain the information required under this section of these Regulations:

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 activity was not initiated or completed within the time specified in the permit;

d. The application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or use of the land for which the permit was issued; and

e. The Agency may, prior to the expiration of a permit, accept an untimely application to renew such permit if the authorized activity is ongoing and allow the continuation of work beyond the expiration date if, in its judgment, the permit is likely to be renewed and the public interest or environment will be best served by not interrupting the activity.

7.14 Any application to renew a permit shall be granted upon request of the permit holder unless the Agency or its staff find that there has been substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit shall be valid for more than ten years and further provided that any permit issued prior to July 1, 2011 that did not expire prior to May 9, 2011 shall be valid for no more than fourteen years.

7.15 For a 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 owner of the land described herein, including, but not limited to, the state or any political subdivision of the state, or in any order of taking such land whose purpose is to retain land or water areas predominately in their natural, scenic or open condition or in agricultural, farming, forest or open space use;

b. For purpose of this section, “preservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land described herein, including, but not limited to, the state or any political subdivision of the state,
or in order of taking 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 on an existing building that does not expand or alter the footprint of such existing building, relating to property that is subject to a conservation restriction or preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction, including, but limited to any state agency that holds such restriction, not later than sixty days prior to the filing of the permit application; and

d. In lieu of such notice pursuant to subsection 7.15c, 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
Application Procedures

8.1 All petitions, applications, requests or appeals shall be submitted to the Land Use Office of the Town of Watertown where the office of the Conservation Commission / Inland Wetland Agency is located for the receipt of such petition, application, request or appeal.

8.2 The Agency shall, in accordance with Connecticut General Statutes section 8-7d(f), notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which:

a. any portion of the property affected by a decision of the agency is within five hundred feet of the boundary of Waterbury, Woodbury, Thomaston, Bethlehem, Morris, or Middlebury;

b. a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;

c. a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or

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

Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, appeal, request or plan.
8.3 When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in section 16-1 of the Connecticut General Statutes, the applicant shall provide written notice of the application to the water company provided such water company has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of the application. The water company, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the Agency.

8.4 The date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of the Agency, immediately following the day of submission to the Agency or its agent of such petition, application, request or appeal or thirty-five days after such submission, whichever is sooner.

8.5 At any time during the review period, the applicant shall provide such additional information as the Agency may reasonably require. Requests for such additional information shall not stay the time limitations as set forth in subsection 11.2 of these regulations.

8.6 All applications shall be open for public inspection.

8.7 Incomplete applications may be denied.

Section 9
Public Hearings

9.1 The Conservation Commission/ Inland Wetlands Agency shall not hold a public hearing on an application unless the agency determines that the proposed activity may have a significant impact on wetlands or watercourses, a petition signed by at least twenty-five persons who are eighteen years of age or older and who reside in the Town of Watertown, requesting a hearing is filed with the agency not later than fourteen days after the date of receipt of such application, or the agency finds that a public hearing regarding such application would be in the public interest. The agency may issue a permit without a public hearing provided no petition provided for in this section is filed with the agency on or before the fourteenth day after the date of receipt of the application. Such hearing shall be held no later than sixty-five days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing any person or persons may appear and be heard.

9.2 Notice of the public hearing shall be published at least twice at intervals of not less than two days, the first not more than fifteen days and not fewer than ten days, and the last not less than two days before the date set for the hearing in a newspaper having a general circulation in each town where the affected wetland and watercourse is located.
9.3. Notice of the public hearing shall be mailed by the applicant to the owner(s) of abutting landowners no less than fifteen days prior to the day of the hearing. No error in the mailing of these notices by applicant shall invalidate any action taken by the agency.

9.4. Posting public hearings notices on subject property
   a. The applicant shall post an Agency public hearing notice sign on the subject property during the ten day period prior to commencement of and during an Agency scheduled public hearing.
   b. One public hearing notice sign shall be provided by the Agency without expense to the applicant upon Agency receipt of an application fee and the Agency scheduling a public hearing. Additional signs required by this section shall be provided by the Agency at a fee to the applicant covering the cost of the signs.
   c. Signs shall be no further than 500 feet apart along paved street frontage of the subject property, and shall be in proximity to the street with clear and unobstructed visibility to motorists passing the signs. If a property has no paved street frontage, signs shall be posted in locations determined by the Agency’s Duly Authorized Agent.
   d. Public hearing notice signs are not required for Agency regulation text amendments, wetlands and watercourses map amendments, for Agency hearings that is not required to have notice published in a local newspaper, or for Agency enforcement hearings.
   e. The signs shall be no less in size than 2 feet wide by 1½ feet high, indicating a land use public hearing will be held by the Agency, and shall display the Agency office telephone number to contact for information.
   f. The signs shall be reasonably maintained and replaced if necessary by the applicant until the day following the close of the public hearing, at which time all signs shall be removed by the applicant.
   g. The applicant is required on forms determined by the Agency to make return under oath to the Agency that the applicant complied with this section of the Agency regulations.
   h. In the event the applicant fails to post and/or maintain signs as required by Agency regulations, the application may be deemed by the Agency to be incomplete; and in that circumstance a reason for the Agency to not approve the application.
   i. In the event the Agency finds the applicant’s non-compliance with this section of the Agency regulations was not the fault of the applicant, or for other reasons determined by the Agency, the Agency may waive this section by a motion with two-thirds Agency membership vote of approval.
Section 10
Considerations for Decision

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

   a. The application and its supporting documentation

   b. Reports from other agencies and commissions including but not limited to the Town of Watertown:
      
      1. Planning and Zoning Commission
      2. Building Official
      3. Health Officer
      4. Department of Public Works

   c. The Agency may also consider comments on any application from the Litchfield County Soil and Water Conservation District, Northwest Conservation District, the Naugatuck Valley Regional Planning Agency or other regional organizations (i.e. Council of Elected Officials); agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations.

   d. Non-receipt of comments from state agencies and commissions listed in subdivision 10.1b and c above within the prescribed time shall neither delay nor prejudice the decision of the Agency.

   e. For an application for which a public hearing is held, public comments, evidence and testimony.

   f. Inland Wetlands and Watercourses Regulations of the Agency, as amended

   g. Guidelines for Upland Review Area Regulations Under Connecticut’s Inland Wetlands and Watercourses Act, June 1997 by the State of Connecticut Department of Environmental Protection, as amended

   h. 2002 Erosion and Sedimentation Control Guidelines, by the State of Connecticut Department of Environmental Protection, as amended


10.2 Criteria for Decision. In carrying out the purposes and policies of sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Agency shall take into consideration all relevant facts and circumstances, including but not limited to:
a. the environmental impact of the proposed regulated activity on wetlands or watercourses;

b. the applicant’s purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses.

c. the relationship between the short term and longterm impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses.

d. Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such captivity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;

e. the character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity; and

f. impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands and watercourses.

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

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

10.5 For purposes of this section, (1) “wetlands and watercourses” includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (2) “habitats” means areas or environments in which an organism or biological population normally lives or occurs.
10.6 The agency shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.

10.7 In reaching its decision on any application after a public hearing, the Agency shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Agency in its decision.

10.8 In the case of an application where the applicant fails to comply with the provisions of subsection 7.15c or 7.15d of these regulations, (1) the party holding the conservation or preservation restriction, other than a state agency that holds such restriction, may, not later than fifteen (15) days after receipt of actual notice of permit approval, file an appeal with the Conservation Commission /Inland Wetland Agency, subject to the rules and regulations of such agency relating to appeal. The Conservation Commission / Inland Wetland Agency shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction or (2) the state agency that holds such restriction may, not later than thirty days after receipt of actual notice of permit approval, file an appeal with the Conservation Commission/ Inland Wetlands Agency, subject to the rules and regulations of such agency relating to appeals. The Conservation Commission/ Inland Wetlands Agency shall immediately reverse such permit approval if the commissioner of the state agency that holds such restriction certifies that the land use authorized in such permit violates the terms of such conservation or preservation restriction.

10.9 In the case of an application where the applicant has provided written notice pursuant to Subsection 7.15.c of these regulations, the holder of the restriction may provide proof to the 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 Agency shall not grant the permit approval.

10.10 Nothing in subsection 7.15c or 7.15d of these regulations shall be construed to prohibit the filing of a permit application or to require such written notice when the activity that is the subject of such permit application will occur on a portion of property that is not restricted under the terms of such conservation or preservation restriction.

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 of priority: restore, enhance and create productive
wetland or watercourse resources. Such terms may include restrictions as to the time of
year in which a regulated activity may be conducted, provided the Agency, or its agent,
determines that such restrictions area necessary to carry out the policy of Section 22a-36
to 22a-45, inclusive, of the Connecticut General Statutes.

11.2 No later than sixty-five (65) days after receipt of an application, the Agency may hold a
public hearing on such application. At such hearing any person or persons may appear
and be heard and may be represented by agent or attorney. The hearing shall be
completed within thirty-five (35) days of its commencement. Action shall be taken on
applications within thirty-five (35) days after completion of a public hearing. In the
absence of a public hearing, action shall be taken on applications within sixty-five (65)
days from the date of receipt of the application. The applicant may consent to one or
more extensions of the periods specified in this subsection, provided the total extension
of all such periods shall not be for longer than sixty-five (65) days, or may withdraw the
application. The failure of the Agency to act within any time period specified in this
subsection, or any extension thereof, shall not be deemed to constitute approval of the
application. An application deemed incomplete by the Agency shall be withdrawn by the
applicant or denied by the Agency.

11.3 The Agency shall state upon its record the reasons and bases for its decision.

11.4 The Agency shall notify the applicant and any person entitled to such notice of its
decision within fifteen (15) days of the date of the decision by certified mail, return
receipt requested, and the Agency shall cause notice of its order in the issuance or denial
of the permit, to be published in a newspaper having general circulation in the town
wherein the inland wetland or watercourse lies. In any case in which such notice is not
published within such fifteen day period, the applicant may provide for the publication of
such notice within ten days thereafter.

11.5 If an activity authorized by an inland wetland permit also involves an activity which
requires a zoning or subdivision approval, special zoning permit, or variance or special
exception, under sections 8-3(g), 8-3c, or 8-26 of the Connecticut General Statues, the
Agency shall file a copy of the decision and report on the application with the Town of
Watertown Planning and Zoning Commission within fifteen days of the date of the
decision thereon.

11.6 Any permit issued by the Agency for the development of land for which an approval is
required under chapter 124, 124b, 126 or 126a of the Connecticut General Statutes shall
not take effect until such approval, as applicable, granted under such chapter has taken
effect and shall be valid until the approval granted under such chapter expires or for ten
years, whichever is earlier. Any permit issued by the Agency for any activity for which
an approval is not required under chapter 124, 124b, 126 or 126a shall be valid for not
less than two years and not more than five years.
11.6.1 Notwithstanding the provisions of section 11.6, any permit issued under this section on or after July 1, 2011, but prior to June 10, 2021, that did not expire prior to March 10, 2020, shall expire not less than fourteen years after the date of such approval.

11.7 No permit issued by the Agency shall be assigned or transferred without the written permission of the Agency.

11.8 If a bond or insurance is required in accordance with section 13 of these regulations, the Agency may withhold issuing the permit until such bond or insurance is provided.

11.9 General provisions in the issuance of all permits:

a. The Agency has 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 denied, modified, suspended or revoked.

b. All permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Agency or the Town of Watertown, 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 activity.

c. If the activity authorized by the Agency’s permit also involves an activity which requires zoning or subdivision approval, 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 such approval is obtained.

d. In constructing the authorized activities, the permittee shall implement such management practices consistent with the terms and conditions of the permit as needed to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.

e. Permits are not transferable without the prior written consent of the Agency.

Section 12
Action by Duly Authorized Agent

12.1 The Agency delegates to its Duly Authorized Agent the authority to approve or extend a license for an activity that is not located in a wetland or watercourse when such Duly Authorized Agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses provided such Duly Authorized Agent has completed the comprehensive training program developed by the Commissioner of Environmental Protection pursuant to section 22a-39 of the Connecticut General Statutes. Requests for such approval shall be made on a form provided by the Agency and shall contain the information listed under Section 7.7 of these regulations and any other information the Agency may reasonably require. Notwithstanding the provisions for
receipt and processing applications prescribed in Sections 8, 9 and 11 of these regulations, such Duly Authorized Agent may approve or extend such an activity at any time. The Duly Authorized Agent shall report to the Agency of any such approvals at the next scheduled regular meeting of the Agency.

12.2 The Duly Authorized Agent may determine there is no wetlands or watercourses on the subject property.

12.3 Any person receiving such approval from such agent shall, within ten days of the date of such approval, publish, at the applicant’s expense, notice of the approval in a newspaper having a general circulation in the town wherein the activity is located or will have an effect. Any person may appeal such decision of such agent to the Agency within fifteen days after the publication date of the notice and the Agency shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt by such Agency or its agent of such appeal. Any person may appear and be heard at the meeting held by the Agency to consider the subject appeal. The Agency shall, at 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
Bond and Insurance

13.1 The applicant, upon approval of the permit and prior to the start of the permitted activity, may, at the discretion of the Agency, be required to file a bond in an amount and in the form approved by the Agency. Bonds shall, unless otherwise approved by the Agency, be in the form of a cash deposit to be made payable to the Town of Watertown and held without interest until released or an irrevocable Letter of Credit. The bond shall be conditioned on substantial compliance with all provisions of these Regulations and the terms, conditions and limitations established in the permit.

13.2 The amount of the bond shall be released to the permittee upon receipt by the Agency of evidence that the proposed activity(ies) have been substantially completed in a satisfactory manner. The Agency may, at its own discretion release a portion of the bond amount if it is of the opinion that the permitted activity(ies) have been substantially completed and only a minor portion of the activity(ies) remains to be completed.

13.3 The bond can be called by the Agency to correct violations or compliance problems on a permitted site in accordance with the provisions of section 14 of these Regulations.

Section 14
Enforcement

14.1 The Agency may appoint an Agent or Agents to act in its behalf with the authority to issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these regulations. In carrying out the
purposes of this section, the Agency or its duly authorized Agent shall take into
collection the criteria for decision under Section 10.2 of these regulations.

14.2 The Agency or its Agent may make regular inspections at reasonable hours of all
regulated activities for which permits have been issued with the consent of the property
owner or the authorized agent of the owner during the life of the permit.

14.3 In the case in which a permit has not been issued or a permit has expired, the Agency or
its Agent may make regular inspections at reasonable hours with the consent of the
property owner or the authorized agent of the property owner.

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

a. issue a written order by certified mail, return receipt requested, to such person
conducting such activity or maintaining such facility or condition to immediately
cease such activity or to correct such facility or condition. Within ten (10) calendar
days of the issuance of such order the Agency shall hold a hearing to provide the
person an opportunity to be heard and show cause why the order should not remain in
effect. The Agency shall consider the facts presented at the hearing and within ten
(10) days of the completion of the hearing notify the person by certified mail that the
original order remains in effect, that a revised order is in effect, or that the order has
been withdrawn. The Agency shall publish notice of its decision in a newspaper
having general circulation in the municipality. The original order shall be effective
upon issuance and shall remain in effect until the Agency affirms, revises or
withdraws the order. The issuance of an order pursuant to this subsection shall not
delay or bar an action pursuant to section 22a-44(b) of the Connecticut General
Statutes, as amended.

b. issue a notice of violation to such person conducting such activity or maintaining such
facility or condition, stating the nature of the violation, the jurisdiction of the Agency,
and prescribing the necessary action and steps to correct the violation including,
without limitation, halting work in wetlands or watercourses. The Agency may
request that the individual appear at the next regularly scheduled meeting of the
Agency to discuss the unauthorized activity, and/or provide a written reply to the
notice or file an application for the necessary permit. Failure to carry out the
action(s) directed in a notice of violation may result in issuance of the order provided
in section 14.4.a or other enforcement proceedings as provided by law.

c. suspend or revoke a permit if it finds that the permittee has not complied with the
terms, conditions or limitations set forth in the permit or has exceeded the scope of
the work as set forth in the application including application plans. Prior to revoking
or suspending any permit, the Agency shall issue notice to the permittee, personally
or by certified mail, return receipt requested, setting forth the facts or conduct which
warrants the intended action. The Agency shall hold a hearing to provide the
permittee an opportunity to show that they are in compliance with their permit and any and all requirements for retention of the permit. During this hearing, the Agency may determine whether to call the compliance bond to remedy problems on the site. The permittee shall be notified of the Agency’s decision to suspend, revoke, or maintain a permit or call the bond by certified mail within fifteen (15) days of the date of its decision. The Agency shall publish notice of the suspension or revocation in a newspaper having general circulation in the Town of Watertown; and/or

d. Issue notice of a public hearing for the purpose of determining whether the Agency should bring an action in Superior Court, pursuant to Subsection (e) below for the collection of fines and penalties for violations of any of the provisions of CGS sections 22a-36 through 22a-45 as amended, or these Regulations; and/or

e. Bring an action in Superior Court, pursuant to CGS section 22a-44 for the collection of all fines and penalties, together with all costs, fees and expense of such collection, including reasonable attorney’s fees; and/or

f. Bring an action pursuant to CGS section 22a-44 in the Superior Court, in all cases of continuing violation, for an order restraining such continuing violation and for such orders directing that the violation be corrected or removed as the Agency, pursuant to a public hearing, deems necessary and appropriate to the protection of inland wetlands and watercourses, and for the costs, fees and expenses of such action together with reasonable attorney’s fees.

14.5 The Agency may suspend or revoke a permit if it finds that the permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking or suspending any permit, the Agency shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. The Agency shall hold a hearing to provide the permittee an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the Agency’s decision to suspend, revoke, or maintain a permit by certified mail within fifteen (15) days of the date of its decision. The Agency shall publish notice of the suspension or revocation in a newspaper having general circulation in the municipality.

Section 15
Amendments

15.1 These regulations and the Inland Wetlands and Watercourses Map for the Town of Watertown may be amended, from time to time, by the Agency in accordance with changes in the Connecticut General Statutes or regulations of the Connecticut Department of Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available.
15.2 An application filed with the Agency which is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetland regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt and any appeal from the decision of such Agency with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such receipt. The provisions of this section shall not be construed to apply (1) to the establishment, amendment or change of boundaries of inland wetlands or watercourses or (2) to any change in regulations necessary to make such regulations consistent with the provisions of the Act as of the date of such receipt.

15.3 These regulations and the Town of Watertown Inland Wetlands and Watercourses Map shall be amended in the manner specified in section 22a-42a of the Connecticut General Statutes, as amended. The Agency shall provide the Commissioner of Energy and The Department 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, at least thirty-five days before the public hearing on their adoption.

15.4 Petitions requesting changes or amendments to the "Inland Wetlands and Watercourses Map, of Watertown, Connecticut, shall contain at least the following information:

a. the petitioner's name, mailing address, email address and telephone number;

b. the owner’s name (if not petitioner), mailing and email addresses, telephone number, and written consent to the proposed action set forth in the petition;

c. the petitioner's interest in the land affected by the petition

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

e. the reasons for the requested action; and

f. The names and addresses of adjacent property owners.

15.5 Any person who submits a petition to amend the Inland Wetlands and Watercourses Map of Town of Watertown, Connecticut, shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation of aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the Agency. If such person is the owner, developer or contract purchaser of the land which is the subject of the petition, or if such person is representing the interests of such an owner, developer or purchaser, in addition to the information required in subsection 15.4, the petition shall include:
a. the name, mailing address and telephone number of the owner(s) of such land and owner(s) agent or other representative;

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

c. documentation by a soil scientist of the distribution of wetland soils on said land. Such documentation shall at a minimum include the report of the soil scientist documenting the location of wetland soils on the land and a map of the said land indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types; and

d. map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.

15.6 Watercourses shall be delineated by a soil scientist, geologist, ecologist or other qualified individual.

15.7 A public hearing shall be held on petitions to amend the Inland Wetlands and Watercourses Map. Notice of the hearing shall be published in a newspaper having a general circulation in the municipality where the land that is the subject of the hearing is located at least twice at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, and the last not less than two days before the date set for the hearing. All materials including maps and documents relating to the petition shall be open for public inspection.

15.8 The agency shall hold a public hearing on a petition to amend the regulations and the Inland Wetlands and Watercourses Map within sixty-five days after receipt of such petition. The hearing shall be completed within thirty-five days after commencement. The agency shall act upon the changes requested in such petition within sixty-five days after completion of such hearing. At such hearing, any person or persons may appear and be heard and may be represented by agent or attorney. The petitioner may consent to one or more extensions of any period specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five days, or may withdraw such petition. Failure of the agency to act within any time period specified in this subsection or any extension thereof, shall not be deemed to constitute approval of the petition.

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

Section 16
Appeals

16.1 Appeal on actions of the Agency shall be made in accordance with the provisions of section 22a-43 of the Connecticut General Statutes, as amended.
16.2 Notice of such appeal shall be served upon the Agency and the Commissioner of Environmental Protection.

Section 17
Conflict and Severance

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

17.2 If there is a conflict between the provisions of these regulations and the provisions of the Act, the provisions of the Act shall govern.

Section 18
Other Permits

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

Section 19
Application Fees

19.1 Method of Payment. All fees required by these regulations shall be submitted to the Agency by personal check, cash, or Credit Card payable to the Town of Watertown at the time the application is filed with the Agency.

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

19.3 The application fee is not refundable.

19.4 Definitions. As used in this section:

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

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

19.5 Fee Schedule. Application fees shall be based on the Town of Watertown Fee Ordinance.

19.6 Exemption. Boards, commissions, councils and departments of the Town of Watertown are exempt from all fee requirements.

19.7 Waiver. The applicant may petition the Agency 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 Agency should consider in its determination under this subsection. The Agency may waive all or part of the application fee if the Agency 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 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, or

c. The applicant has shown good cause. The Agency shall state upon its record the basis for all actions under this subsection.

19.8 Third party reviews approved by the Agency or approved by the Duly Authorized Agent shall be paid by the applicant directly to the third party consultant. The Town of Watertown and its officials are not liable for payment of services or for work products of third party consultants. Prior to commencing work there shall be a written agreement executed by the applicant, the Agency or the Duly Authorized Agent, and the third party consultant describing the third party review services, payment for these services, and scheduled delivery dates of reports and work products.

Section 20
Effective Date of Regulations

20.1 Effective April 6, 2024 The Inland Wetland and Watercourse Regulations were revised and updated.

20.2 These Regulations shall be filed with the Town Clerk and shall become effective upon notice of adoption of such regulations published in the form of a legal advertisement in a newspaper having a substantial circulation in the Town of Watertown.
20.3 Copies of such regulations and related documents shall be available at the office of the Agency. The price of such copies shall be determined by the Agency.
APPENDIX A

Connecticut General Statute section 1-1(q) Definition of Agriculture

Except as otherwise specifically defined, the words “agriculture” and “farming” shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term “farm” includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoophouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term “aquaculture” means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.
APPENDIX B

Connecticut General Statute Section 8-7d

Hearings and decisions. Time limits. Day of receipt. Notice to adjoining municipality. (a) In all matters wherein a formal petition, application, request or appeal must be submitted to a zoning commission, planning and zoning commission or zoning board of appeals under this chapter, a planning commission under chapter 126 or an inland wetlands agency under chapter 440 and a hearing is required or otherwise held on such petition, application, request or appeal, such hearing shall commence within sixty-five days after receipt of such petition, application, request or appeal and shall be completed within thirty-five days after such hearing commences, unless a shorter period of time is required under this chapter, chapter 126 or chapter 440. Notice of the hearing shall be published in a newspaper having a general circulation in such municipality where the land that is the subject of the hearing is located at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the date set for the hearing. In addition to such notice, such commission, board or agency may, by regulation, provide for notice to persons who own or occupy land that is adjacent to the land that is the subject of the hearing. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing, any person or persons may appear and be heard and may be represented by agent or by attorney. All decisions on such matters shall be rendered within sixty-five days after completion of such hearing, unless a shorter period of time is required under this chapter, chapter 126 or chapter 440. The petitioner or applicant may consent to one or more extensions of any period specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five days, or may withdraw such petition, application, request or appeal.

(b) Notwithstanding the provisions of subsection (a) of this section, whenever the approval of a site plan is the only requirement to be met or remaining to be met under the zoning regulations for any building, use or structure, a decision on an application for approval of such site plan shall be rendered within sixty-five days after receipt of such site plan. Whenever a decision is to be made on an application for subdivision approval under chapter 126 on which no hearing is held, such decision shall be rendered within sixty-five days after receipt of such application. Whenever a decision is to be made on an inland wetlands and watercourses application under chapter 440 on which no hearing is held, such decision shall be rendered within sixty-five days after receipt of such application. The applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed sixty-five days or may withdraw such plan or application.

(c) For purposes of subsection (a) or (b) of this section and section 7-246a, the date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of such commission, board or agency, immediately following the day of submission to such commission, board or agency or its agent of such petition, application, request or appeal or thirty-five days after such submission, whichever is sooner. If the commission, board or agency does not maintain an office with regular office hours, the office of the clerk of the municipality shall act as the agent of such commission, board or agency for the receipt of any petition, application, request or appeal.
(d) The provisions of subsection (a) of this section shall not apply to any action initiated by any zoning or planning and zoning commission regarding adoption or change of any zoning regulation or boundary.

(e) Notwithstanding the provisions of this section, if an application involves an activity regulated pursuant to sections 22a-36 to 22a-45, inclusive, and the time for a decision by a zoning commission or planning and zoning commission established pursuant to this section would elapse prior to the thirty-fifth day after a decision by the inland wetlands agency, the time period for a decision shall be extended to thirty-five days after the decision of such agency. The provisions of this subsection shall not be construed to apply to any extension consented to by an applicant or petitioner.

(f) The zoning commission, planning commission, zoning and planning commission, zoning board of appeals or inland wetlands agency shall notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which: (1) Any portion of the property affected by a decision of such commission, board or agency is within five hundred feet of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, request or plan. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, appeal, request or plan.
APPENDIX C

Connecticut Inland Wetlands and Watercourses Act
APPENDIX D

Guidelines, Upland Review Area Regulations
APPENDIX E

Fee Schedule
APPENDIX F

PERMIT EXPIRATIONS