

# **Regulations For The Preservation of Inland Wetlands and Watercourses**

**City of Groton, Connecticut**



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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 Watercourse Regulations of the City of Groton”.
- 1.3 The Conservation Commission of the City of Groton was established in accordance with an ordinance adopted December 17, 1973 and shall implement the purposes and provisions of these regulations and the Inland Wetlands and Watercourses Act in the City of Groton (Ordinance #42) August 10, 1970 Amended Sept 16 1974; February 05, 1980; December 10, 1985; July 05, 1988; July 03, 1990; October 06, 1992; February 07, 1995; September 01, 2007, and May 6, 2014
- 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 on inland wetlands and watercourses in the City of Groton 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:
- a. “Act” means the Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45, inclusive, of the Connecticut General Statutes, as amended.
  - b. “Agency” means the City of Groton Conservation Commission acting as the Inlands Wetlands and Watercourses Agency of the City of Groton.
  - c. “Agent” see Designated Agent
  - d. “Agriculture” shall be defined in Appendix A
  - e. “Bogs” are watercourses distinguished by evergreen trees and shrubs underlain by peat deposits, poor or very poor drainage, and highly acidic conditions.
  - f. “City” means the City of Groton, New London County in the State of Connecticut.
  - g. “Clear-cutting” means the harvest of timber in a fashion which removes all trees down to a two (2) inch diameter at breast height.
  - h. “Commission Member” means a member of the Commission acting as the Inlands Wetlands and Watercourses Agency of the City of Groton.
  - i. “Commissioner of Energy and Environmental Protection” means the commissioner of the State of the Connecticut Department of Energy and Environmental Protection.
  - j. “Consultant” may include, but not limited to, city engineer, soil scientist, biologist, zoologist, botanist, hydrologist, and or landscape architect. Consultant does not include city staff or legal counsel.
  - k. “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.
  - l. “DEEP” Department of Energy and Environmental Protection
  - m. “Deposit” includes, but shall not be limited to fill, grade, dump, place, discharge or emit.
  - n. “Designated Agent” means an individual designated by the agency to carry out its functions and purposes.
  - o. “Discharge” means emission of any water, substance or material into waters of the state whether or not such substance causes pollution.
  - p. “Disturbing the natural and indigenous character of the land” means that the activity will significantly alter the inland wetlands and watercourses by reason of removal or deposition of material, clear-cutting, alteration or obstruction of water flow, or will result in the pollution of the wetlands or watercourses.
  - q. “Essential to the farming operation” means that the proposed activity is necessary and indispensable to sustain farming activities on the farm.
  - r. “Farming” shall be consistent with the definition as noted in Section 1-1. General Statutes. (See Appendix A).
  - s. “Feasible” means able to be constructed or implemented: consistent with sound engineering principles.
  - t. “Intermittent Watercourse” means those waterways which are characterized by non-persistent flow. For purposes of these regulations, intermittent watercourses are delineated by one (1) or more of the following:

A defined permanent channel with the evidence of scour or deposits of recent alluvium or detritus. The presence of standing or flowing water for a duration longer than a particular storm incident. Ordinarily, the presence of water is supported by a component, however small, of groundwater overflow or exfiltration.

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

- u. "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.
- v. "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.
- w. "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.
- x. "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.
- y. "Minor activity" means a proposed activity, which is not a significant activity
- z. "Municipality" means the City of Groton.
- aa. "Nurseries" means places where plants are grown for sale, transplanting or experimentation.
- bb. "Permit" see license.
- cc. "Permittee" means the person to whom a license has been issued.
- dd. "Person" means any person, firm, partnership, association, corporation, limited liability company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.
- ee. "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.
- ff. "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.
- gg. "Regulated Activity" means any operation within or use of a wetland, or watercourse, involving removal or deposition of material, or an obstruction, construction alteration or pollution, of such wetlands or watercourses, but shall not include the specified activities in Section 22a-40 of the Connecticut General Statutes. Furthermore, any clearing, grubbing, filling, grading, paving,

excavating, constructing, depositing, or removing of material and discharging of storm water on the land within 200 feet measured horizontally from the boundary of any wetland or watercourse area (Upland Review Area) is likely to impact or affect wetlands or watercourses and is a regulated activity.

- hh. “Regulated Area” means any wetlands, watercourses, or upland review areas as defined in these guidelines.
- ii. “Remove” includes, but shall not be limited to drain, excavate, mine, dig, dredge, suck, bulldoze, dragline or blast.
- jj. “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.
- kk. “Significant Activity or Significant Impact” means any activity, including, but not limited to the following activities which may have a major effect or significant impact on the area for which an application has been filed or on another inland wetlands or watercourse system:
  - 1. Any activity on or within 200 feet of a wetland or watercourse involving a deposition or removal of material which will or may have a major effect or significant impact on the regulated area or on another part of the inland wetlands or watercourse system.
  - 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 wetlands 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 diminishing of flow of a natural watercourse or groundwater levels of the wetland or watercourse.
  - 6. Any activity which causes 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.
- ll. “Soil scientist” means an individual duly qualified in accordance with standards set by the Federal Office of Personnel Management.
- mm. “Swamps” are watercourses that are distinguished by the dominance of wetland trees and shrubs.
- nn. “Submerged lands” means those lands which are inundated by water on a seasonal or more frequent basis.
- oo. “Upland Review Area” an area that extends 200 feet from all wetlands and watercourses and means a non-wetland or non-watercourse area in which certain activities would be regulated because it best conveys the regulatory scheme under the wetlands statues wherein a wetland agency reviews regulated activities case-by-case and approves or disapproves them on their merits. The inland wetland statues do not authorize a blanket prohibition of all activities either in the wetlands or in upland review, buffer or setback areas.
- pp. “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 City.
- qq. “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 City 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 (2) or more of the following characteristics:

1. evidence of scour or deposits of recent alluvium or detritus,
2. the presence of standing or flowing water for a duration longer than a particular storm incident, and
3. the presence of hydrophytic vegetation.

rr. “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 aquatic (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, City of Groton, Connecticut” as revised periodically based on Connecticut DEEP soil maps, as amended; 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 City 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. 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.
- 3.2 Any person may petition the Agency for an amendment to the map. All petitions for a map change shall be submitted in accordance with Section 15. 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 city. The Agency may amend its map in accordance with Section 15 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 Energy and 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. A residential home (A) for which a building permit has been issued or (B) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to Subsection (b) of Section 22a-42a, or as of July 1, 1974, whichever 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;
  - 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 provided that in any town where there are no zoning regulations establishing minimum residential lot sites, the largest minimum lot site shall be two (2) acres. 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 subdivision, "maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place; and
  - g. Withdrawals 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 Energy and Environmental Protection**

- 5.1 The Commissioner of Energy and 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 Energy and Environmental Protection shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of Energy and Environmental Protection under Section 22a-402 of the Connecticut General Statutes or a permit issued by the Commissioner of Energy and 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 Energy and 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 be Licensed**

- 6.1 No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Inlands Wetlands Agency of the City of Groton.
- 6.2 The Agency shall regulate any operation within or use of a wetlands or watercourse involving the removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetlands or watercourse and any other regulated activity, unless such operation or use is permitted or non-regulated pursuant to Section 4 of these regulations.
- 6.3 Any person found to be conducting or maintaining a regulated activity without the prior authorization of the 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 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 Agency. The application shall contain the information described in this Section and any other information the Agency may reasonably require. Application forms may be obtained in the offices of the Groton City Clerk or the Inlands Wetlands Agency.
- 7.2 If an application to the City of Groton Planning, Zoning, or Planning and Zoning Commission for subdivision or re-subdivision 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, 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, zoning, or planning and zoning commission.
- 7.3 The application shall contain such information as is necessary for a fair and informed determination thereon by the Agency.
- 7.4 The Agency and the applicant may hold a pre-application meeting to determine whether or not the proposed application involves significant activity. Whenever possible the determination relative to the significant activities should be made at the pre-application meeting.
- 7.5 All applications shall include the following information in writing or on maps or drawings:
  - a. The applicant's name, home and business mailing addresses and telephone numbers; if the applicant is a Limited Liability Corporation or a Corporation the managing member's or responsible corporate officer's name, address, and telephone number;

- b. The owner's name, mailing address and telephone number and written consent of the landowner if the applicant is not the owner of the land upon which the subject activity is proposed;
  - c. The applicant's interest in the land;
  - d. The geographical location of the land which is the subject of the proposed activity and a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, the area(s) (in acres or square feet) of wetlands or watercourses to be disturbed, soil type(s), and wetland vegetation;
  - e. The purpose and a description of the proposed activity and proposed erosion sedimentation controls and other management practices and mitigation measures which maybe considered as a condition of issuing the 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, or
    - 3. in the following order of priority: restore, enhance and create productive wetland or watercourse resources;
  - f. Alternatives which would cause less or no environmental impact to wetlands or watercourses and why the alternative as set forth in the application was chosen; such alternatives shall be diagramed on a site plan or drawing;
  - g. A site plan showing the proposed activity and existing and proposed conditions in relation to wetlands and watercourses and identifying any further activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses;
  - h. Names and mailing addresses of adjacent land owners;
  - i. Statement by the applicant that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;
  - j. Authorization for the members and agents of the Agency to inspect the subject land, at reasonable times, during the pendency of an application and for the life of the permit;
  - k. Completed DEEP reporting form; the Agency shall revise or correct the information provided by the applicant and 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;
    - 1. Any other information the Agency deems necessary to the understanding of what the applicant is proposing; and
  - m. Submission of the appropriate filing fee based on the fee schedule established in Section 19 of these regulations.
- 7.6 At the discretion of the Agency or its agent, or when the proposed activity involves a significant impact, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following, is required:
- a. Site plans for the proposed activity and the land which will be affected thereby which show existing and proposed conditions, wetland and watercourse boundaries, land contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the 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 person;
  - b. Engineering reports and analyses and additional 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 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 functions of the wetlands or watercourses involved with the application and the effects of the proposed activity on these communities and wetland functions;

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 and each alternative which would cause less or no environmental impact to wetlands or watercourses, and a description of why each alternative considered was deemed neither feasible nor prudent;

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

g. Management practices and other measures designed to mitigate the impact of the proposed activity.

7.7 The applicant shall certify whether:

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

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

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

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

7.8 A reporting form shall be completed during the application process which provides the commissioner of the DEEP with the information necessary to properly monitor the inventory of State wetlands. The reporting form shall be part of the application and specified Sections shall be completed by the applicant. These Sections shall include the following: name of the applicant; name of the project; project description; area of wetlands and/or lineal feet of watercourse proposed to be altered. The Agency shall be responsible for the remaining information and any corrections on the form and for filling it in accordance with Section 22a-29 of the Inland Wetland and Watercourse Regulations of the Department of Energy and Environmental Protection.

7.9 Sixteen (16) copies of all application materials shall be submitted to comprise a complete application. Plans and drawings can be provided as 8 full, and 8 half size plans unless an applicant is otherwise directed by the Agent. (*drawing sizes specified by Inland Wetlands Agency 4/25/2012*)

7.10 Any application to renew a permit shall be granted upon request of the permit holder unless the Agency finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no permit, shall be valid for more than ten years and further provide 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.

7.11 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 owner of the land described therein, 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 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 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 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, including, but not limited to, any state agency that holds such restriction, not later than sixty days prior to the filling of the permit application.

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

## **Section 8 Application Procedures**

8.1 All petitions, applications, requests or appeals shall be submitted to Clerk of the City of Groton who shall act as agent of the City of Groton Conservation Commission acting as the Inlands Wetlands and Watercourses Agency of the City of Groton 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 (500) feet of the boundary of an adjoining municipality;

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

c. A significant portion of the sewer or water drainage from the project 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.

NOTE: 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 25-32a, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health in a format prescribed by said commissioner, provided such water company or said commissioner 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 not later than seven days after the date of the application. The water company and the Commissioner of Public Health, through a representative, may appear and be heard at any hearing on the application.
- 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 (35) 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 or those unaccompanied by the proper fee may be denied.

## **Section 9 Public Hearings**

- 9.1 The inland wetlands agency shall not hold a public hearing on an application unless the inland wetlands agency determines that the proposed activity may have a significant impact on wetlands or watercourses, a petition signed by at least twenty-five (25) persons who are eighteen (18) years of age or older and who reside in the municipality in which the regulated activity is proposed, requesting a hearing is filed with the inland wetlands agency not later than fourteen (14) days after the date of receipt of such application, or the inland wetlands agency finds that a public hearing regarding such application would be in the public interest. The inland wetlands agency may issue a permit without a public hearing provided no petition provided for in this Section is filed with the inland wetlands agency on or before the fourteenth (14) day after the date of receipt of the application. Such hearing shall be held no later than sixty-five (65) 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 (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 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 to the owner(s) of record of abutting land no less than fifteen (15) days prior to the day of the hearing certified mail, return receipt requested.
- 9.4 In the case of any application which is subject to the notification provisions of Section 8.2 of these Regulations, a public hearing shall not be conducted until the clerk of the adjoining municipality(ies) has received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record.

## **Section 10 Considerations for Decision**

- 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 City of Groton
    1. Conservation Commission,
    2. Planning, Zoning, or Planning and Zoning Commissions,
    3. Building Official,
    4. Health Officer.
  - c. The Agency may also consider comments on any application from the New London County Soil and Water Conservation District, the Southeastern 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 10.1 b 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.
- 10.2 Factors for consideration of commissioner. Finding of no feasible and prudent alternative. 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 long term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses;
  - d. Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation

measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to

1. prevent or minimize pollution or other environmental damage,
  2. maintain or enhance existing environmental quality, or
  3. in the following order of priority: restore, enhance and create productive wetland or watercourse resources;
- e. The character and degree of injury to, or interference with, safety, health or the reasonable use of property, including abutting or downstream property, which would be caused or threatened by the proposed activity, or the creation of conditions which may do so. This include as recognition of potential damage from erosion, turbidity or siltation, loss of fish and wildlife and their habitat, loss of unique habitat having demonstrable natural scientific or educational value, loss or diminution of beneficial aquatic organisms and wetland plants, the dangers of flooding and pollution, and the destruction of the economic, aesthetic, recreational and other public and private uses and values of wetlands and watercourses to the community;
- f. 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; and
- g. Measures which would mitigate the impact of any aspect of the proposed regulated activities. Such measures include, but are not limited to, actions which would avoid adverse impacts or lessen impacts to wetlands and watercourses and which could be feasibly carried out by the applicant and would protect the wetland's or watercourse's natural capacity to support fish and wildlife, prevent flooding, supply water, control sedimentation, prevent erosion, assimilate wastes, facilitate drainage, to control pollution, to support recreational activities and open space, and to promote public health and safety. The burden of proof shall be on the applicant to demonstrate that the proposed alteration or destruction of wetlands or watercourses is unavoidable and that feasible or prudent alternatives to the proposed alteration or destruction of wetlands or watercourses does not exist.
- 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 factors 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 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 shall not be considered by the Agency in its decision. However, the Agency is not precluded from seeking advice from its own experts on information already in the record of the public hearing providing no new evidence or testimony is offered by the Agency's experts, and should do so only after providing notice to the applicant and any other named parties to the proceedings, and providing an opportunity to rebut the comments or opinions of the Agency's experts.
- 10.5 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.

- 10.6 For purposes of this section,
- a. “wetlands and watercourses” includes aquatic, plant or animal life and habitats in wetlands or watercourses, and
  - b. “habitats” means areas or environments in which an organism or biological population normally lives or occurs.
- 10.7 A municipal inland wetlands 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.
- 10.8 In the case of an application where the applicant has provided written notice pursuant to subsection 7.11c of these regulations, the holder of the restriction may provide proof to the inland wetlands agency that granting of the permit application will violate the terms of the restriction. Upon a finding that the requested land use violates the terms of such restriction, the inland wetlands agency shall not grant the permit approval.
- 10.9 In the case of an application where the applicant fails to comply with the provisions of subsections 7.11c or 7.11d of these regulations, the party holding the conservation or preservation restriction (1) the party holding the conservation or preservation restriction, other than a state agency that holds such restriction, may, not later than fifteen days after the 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 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 inland wetlands agency, subject to the rules and regulations of such agency relating to appeals. The 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 violate the terms of such conservation or preservation restriction.
- 10.10 Nothing subsections 7.11c or 7.11d 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 than 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 (b) maintain or enhance existing environmental quality, or damage, (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 in which a regulated activity may be conducted, provided the Agency, or its agent, determines that such restriction are 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 basis 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 (15) period, the applicant may provide for the publication of such notice within ten (10) days thereafter.
- 11.5 If an activity authorized by an inland wetland permit also involves an activity or project 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 Statutes, the Agency shall file a copy of the decision and report on the application with the City of Groton Planning, Zoning, or Planning and Zoning Commission within fifteen (15) 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 section chapter 124, 124b, 126, or 126a of the Connecticut General Statutes 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 of these regulations, any permit issued by the Agency prior to July 1, 2011 that was in effect and did not expire prior to May 9, 2011 shall be valid for a period not less than nine years after the date of such approval
- 11.7 If the Agency denies the permit, or if it grants a permit with terms, conditions, limitations or modifications, the applicant may attempt to modify the proposal to the Agency's satisfaction. The

Agency shall determine whether the proposed modification requires the filing of a new application. The rejection of a modified or corrected application by the Agency shall be equivalent to the denial of an application for the purposes of appeal.

- 11.8 No permit issued by the Agency shall be assigned or transferred without the written permission of the Agency.
- 11.9 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.
- 11.10 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 modified, suspended or revoked;
  - b. All permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Agency or the City of Groton, 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; and
  - e. Permits are not transferable without the prior written consent of the Agency.
- 11.11 Digital Data Submission for Record Maps. Prior to endorsement of approved mylars, the applicant shall submit a digital file of the Record Map in a digital exchange format, as may be revised from time to time, specified in Guidelines for Digital Data Submission for Record Maps, available in the office of the Agency.
- 11.12 Neither the Agency nor its designated agent shall be required to review and act on any application denied by the agency or its agent for the same activity or substantially the same activity for a period of six (6) months following said denial.

## **Section 12**

### **Action by Duly Authorized Agent**

- 12.1 The Agency may delegate 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 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. Requests for such approval shall be made on a form provided by the Agency and shall contain the information listed under Section 7.5 of these regulations and any other

information the Agency may reasonably require. Notwithstanding the provisions for receipt and processing applications prescribed in Sections 8, 9 and 11 of these regulations, such agent may approve or extend such an activity at any time.

- 12.2 Any person receiving such approval from such agent shall, within ten (10) 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 (15) 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 (3) 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 Upon approval of the application and prior to issuance of a permit, the applicant may, at the discretion of the Agency, be required to file a bond with such surety in such amount and in a form approved by the Agency.
- 13.2 The bond or surety shall be conditioned on compliance with all provisions of these regulations and the terms, conditions and limitations established in the permit.
- 13.3 The Agency may require the applicant to certify that it has public liability insurance against liability which might result from the proposed operation or use of the wetlands or watercourses covering any and all damage which might occur within two (2) years of completion of such operations in an amount commensurate with the regulated activity.

### **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 consideration 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; and

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 14.4a or other enforcement proceedings as provided by law.

- 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 City of Groton 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 Energy and 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 City of Groton 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 Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, determinations or boundaries except map amendments, at least thirty-five (35) days before the public hearing on their adoption.

(Note: Application fee schedules shall be adopted as Agency regulations or as otherwise provided by city ordinance.)

- 15.4 Any person who submits a petition to amend the Inland Wetlands and Watercourses Map, to City of Groton, 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. Petition will be submitted in writing and shall include all relevant facts and circumstances which support the change. Petitions requesting changes or amendments to the Inlands Wetlands and Watercourses Map, City of Groton, Connecticut, shall contain at least the following information:

- a. The petitioner's name, mailing address and telephone number
- b. The address or location of the land affected by 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 proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail together with documentation support such proposed boundary locations, and
- e. The reasons for the requested action.

- 15.6 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; the petition shall also include:

- a. The name, mailing address, telephone number, and written consent to proposed action 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.

- 15.7 The agency may require the petitioner to present documentation by a soil type classified by the National Cooperative soils survey as poorly drained, very poorly drained, alluvial or flood plain. Such documentation includes a map of the land in question signed by a soil scientist on which flag location defined the boundaries of the regulated soil types are depicted.

- 15.8 Watercourses shall be delineated by a soil scientist, geologist, ecologist or other qualified

individual.

- 15.9 The agency shall hold a public hearing on a petition to amend the regulations and the Inland Wetlands and Watercourses Map within sixty-five (65) days after receipt of such petition. The hearing shall be completed within thirty-five (35) days after commencement. The agency shall act upon the changes requested in such petition within sixty-five (65) 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 (65) 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.
- 15.10 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 (2) days, the first not more than fifteen days, nor less than ten days, and the last not less than two (2) days before the date set for the hearing. All materials including maps and documents relating to the petition shall be open for public inspection.
- 15.11 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 Energy and Environmental Protection.

### **Section 17 Conflict and Severance**

- 17.1 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 City of Groton, the State of Connecticut, or the Government of the United States including any approval required by the Connecticut Department of Energy and 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 Fees**

- 19.1 Method of Payment. All fees required by these regulations shall be submitted to the Agency by

cash, check or money order payable to the City of Groton 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, 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.

19.5.1 Any person making application for any approval required by these regulations shall pay a fee in accordance with Connecticut General Statute 22a-27, as amended, in addition to any other fee, which may be required.

Fee Schedule. Application fees shall be based on the following schedule:

	Minor	Significant Activity
One (1) lot/one (1) to two (2)	\$150.00	\$400.00
Two (2) or more lots/three (3) Or more dwellings units	\$150.00	\$400.00
One (1) lot / one (1) Commercial or industrial building	\$150.00	\$400.00
Permit amendment or modification	\$150.00	\$400.00
Inland Wetlands and Watercourses Regulation or Wetlands And Watercourses Map amendments		
		\$400.00

All fees do not include a \$60.00 state land use fee where applicable

Complex Application Fee: The Agency may charge an additional fee sufficient to cover the cost of reviewing and acting on complex applications, and for monitoring compliance of all work associated with approved activity. Such fee may include, but not be limited to, the cost of

retaining consultants to analyze, review, and report on issues requiring such experts. The Agency or the duly authorized agent shall estimate the complex application fee, which shall be paid pursuant to Section 19.1 of these regulations within 10 days of the applicant's receipt or notice of such estimate. Any portion of the complex application fee in excess of the actual cost shall be refunded to the applicant no later than 30 days after publication of the Agency's decision. Any portion of the monitoring compliance fee in excess of the actual cost shall be refunded to the applicant no later than 45 days after project completion.

- 19.6 Exemption. Boards, commissions, councils and departments of the City of Groton are exempt from all fee requirements.

**Section 20  
RECORDS RETENTION AND DISPOSITION**

- 20.1 The Agency and the City Clerk for the City of Groton shall retain complete administrative records of Agency 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:

<b>RECORD TITLE</b>	<b>MINIMUM RETENTION REQUIRED IN AGENCY</b>	<b>CITY CLERK</b>
Applications(Incl. Supporting Materials)	10 years	
Decision Letters	10 years	Permanent
Approved Site Plans	10 years	—
Legal Notices	10 years	Permanent
Staff and Public Written Testimony (Hearing Records)	10 years	—
Minutes of Meeting and Public Hearings	15 years	Permanent
Tapes, Audio—Inland Wetlands Matters	4 years	
Notices of Violation And Orders	10 years	
Text of Changes Adopted In Regulations	Continuous Update/Permanent	
General Correspondence Issued or Received	5 years —	

**Section 21  
Effective Date of Regulations**

- 21.1 These regulations including the Inland Wetlands and Watercourses Map, application forms, fee schedule and amendments thereto, shall become effective upon filing in the Office of the City

Clerk and publication of a notice of such filing in a newspaper having general circulation in the City of Groton.

## APPENDIX A

Connecticut General Statute Section 1-1 (q)

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, hoop houses 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 mulluscan 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 Sec. 8-7d.

### **Hearings and decisions. Time limits. Day of receipt. Notice to adjoining municipality. Public notice registry.**

(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 additional notice. Such regulations shall include provisions that the notice be mailed to persons who own land that is adjacent to the land that is the subject of the hearing or be provided by posting a sign on the land that is the

subject of the hearing, or both. For purposes of such additional notice, (1) proof of mailing shall be evidenced by a certificate of mailing, and (2) the person who owns land shall be the owner indicated on the property tax map or on the last-completed grand list as of the date such notice is mailed. 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 commission, planning commission or planning and zoning commission regarding adoption or change of any zoning regulation or boundary or any subdivision regulation.

(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.

(g) (1) Any zoning commission, planning commission or planning and zoning commission initiating any action regarding adoption or change of any zoning regulation or boundary or any subdivision regulation or regarding the preparation or amendment of the plan of conservation and development shall provide notice of such action in accordance with this subsection in addition to any other notice required under any provision of the general statutes.

(2) A zoning commission, planning commission or planning and zoning commission shall establish a public notice registry of landowners, electors and nonprofit organizations qualified as tax-exempt organizations under the provisions of Section 501(c) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, requesting notice under this subsection. Each municipality shall notify residents of such registry and the process for registering for notice under this subsection. The zoning commission, planning commission or planning and zoning commission shall place on such registry the names and addresses of any such landowner, elector or organization upon written request of such landowner, elector or organization. A landowner, elector or organization may request such notice be sent by mail' or by electronic mail. The name and address of a landowner, elector or organization who requests to be placed on the public notice registry shall remain on such registry for a period of three years after the establishment of such registry. Thereafter any land owner, elector or organization may request to be placed on such registry for additional periods of three years.

(3) Any notice under this subsection shall be mailed to all landowners, electors and organizations in the public notice registry not later than seven days prior to the commencement of the public hearing on such action, if feasible. Such notice may be mailed by electronic mail if the zoning commission, planning commission or planning and zoning commission or the municipality has an electronic mail service provider.

(4) No zoning commission, planning commission or planning and zoning commission shall be civilly liable to any landowner, elector or nonprofit organization requesting notice under this subsection with respect to any act done or omitted in good faith or through a bona fide error that occurred despite reasonable procedures maintained by the zoning commission, planning commission or planning and zoning commission to prevent such errors in complying with the provisions of this section.



**STATEWIDE INLAND WETLAND ACTIVITY REPORTING FORM**

In accordance with the requirements of Section 22a-39(m)-1 of the Regulations of the Connecticut State Agencies, this form is to be completed for each action. Completed forms for all reportable actions during a calendar month shall be mailed to the commissioner no later than the 15 day of the month following the month in which the action was taken. See instructions on back

1.	Town: <u>City of Groton</u>	<p><u>For State Use Only</u></p> <p>GIS CODE:</p> <p>_____</p>
2.	REPORTING PERIOD: <u>  </u>	
3.	ACTION: (Circle only one action) a. Permit Issued      b. Permit denied c. Enforcement      d. Map amendment e. Jurisdictional ruling	
4.	LOCATION: (Attach a 8 1/2 by 11 inch map or pin)	
5.	_____	
6.	_____	

7. .... PROJECT TYPE CODE NUMBER (See list of codes next page) [ ]  
 ]  
 \_\_\_\_\_ If type code is 12 "other", describe the type of activity involved in the action.

8. .... PROJECT PURPOSE CODE NUMBER (See list of codes next page) [ ]  
 ]

9. .... EXPIRATION DATE OF PERMIT OR DATE VIOLATION WAS CORRECTED: [ ]  
 / / ]

10. .... WAS A PUBLIC HEARING HELD ON THIS ACTION?  
 .....YES NO

11. .... ACREAGE OF WETLANDS AND WATERCOURSES ALTERED: [ ]  
 ..... A. Soil type(s) (If Available)

ACRES] B. Only if soil type is not available specify area altered as follows; [ ]  
 ..... Swamp

ACRES] Marsh ..... [ ]

ACRES] Bog ..... [ ]

ACRES] Open Water ..... [ ]

12. .... ACREAGE OF WETLANDS AND WATERCOURSES CREATED: [ ]  
 ACRES]

13. .... LINEAL FEET OF STREAM ALTERATION: [ ]  
 FEET]

14. .... TOTAL LAND AREA OF PROJECT: [ ]  
 ACRES]

## STATEWIDE INLAND WETLAND ACTIVITY REPORTING FORM

INSTRUCTIONS: USE A SEPARATE FORM FOR REPORTING EACH REPORTABLE ACTION TAKEN BY THE AGENCY

1. TOWN. Enter the name of the municipality for which the Wetland Agency has jurisdiction.
2. REPORTING PERIOD. Enter only the month in which the action being reported was taken by the agency.
3. ACTION. Circle the action which is being reported.
4. LOCATION. Attach a 8 1/2 by 11 inch photocopy of that portion of the USGS Quadrangle map with the bounds of the project site outlined (where possible) or pinpointed with an arrow.
5. NAME. Enter the name of the applicant for a permit, petitioner for a map amendment or jurisdictional ruling, or recipient of the enforcement action.
6. PROJECT NAME. Enter the name which the owner or applicant has given to the project or the name by which the project site is generally known.
7. ACTIVITY TYPE. Enter the activity codes which best characterizes the activity being reported. Where possible, enter only one activity code number. Example: a subdivision road or driveway crossings of a wetland which involves excavation to remove unsuitable foundation material, filling, culverting, and channelization of a brook should be coded as #9 "ROADING CONSTRUCTION". If the project also involved enclosing the brook in a culvert and filling of wetlands to make fast land for development, an activity should be coded #9, (as above) plus #7 for "CULVERTING" and #1 for "FILLING".
8. ACTIVITY PURPOSE. Enter the Purpose code which best characterizes the purpose of the activity. Enter only one purpose code.
9. EXPIRATION DATE. Enter the expiration date for a permit or in case of a corrected violation, the date the violation was to be corrected. Leave the space blank if the action being reported is a permit denial, map amendment, or jurisdictional ruling.
10. WAS A PUBLIC HEARING HELD? Circle Yes or No
11. ACREAGE OF WETLANDS AND WATERCOURSES ALTERED. Soil types and acreage figures should be provided by the applicant in the application. Enter the total soil type symbols from the County Inland Wetlands soils Symbol Key. In the rare case where the wetland soil type is not classified, specify the area altered by the general categories swamp, marsh, bog, or open water.  
In order to convert from square feet to acres, divide square feet by 43,560.
12. ACREAGE OF WETLANDS AND WATERCOURSES CREATED. Enter the total acreage of wetland and watercourse area created directly or indirectly as a result of the action taken by the Agency.
13. LINEAL FEET OF STREAM ALTERATION. Enter the total length of river, brook, stream, or other perennial watercourse altered directly as a result of the action taken by the Agency. Include any culvertling, channel improvements, rip rap, relocation or dredging.
14. TOTAL LAND AREA OF PROJECT. Enter the total size of the property involved in the Agency Action being reported.

### MAIL REPORTING FORMS TO:

Water Resources Unit  
Wetlands Management Section  
State Office Building  
165 Capitol Avenue  
Hartford, Connecticut 06106

QUESTIONS ABOUT COMPLETING OR FILLING THIS FORM MAY BE DIRECTED TO THE RESOURCES UNIT'S WETLANDS MANAGEMENT SECTION AT 566-7280.

Code #	Activity Type	Code #	Activity Purpose
1.....			A.
2.....			Residential
3.....	Land		Improvement by
			Homeowner
4.....	Str		B.
5.....			New
6.....			Residential
	(rem		Development for
7.....	Culv		Single Family Units
8.....	Ut		C.
			New
9.....	Ro		Residential
10.....	Drai		Development for
11.....	Pond Dredging		Multi-Family/Condos
12. Other			D.
			Commercial
			/Industrial Uses
			E.
			Municipal
			Improvements
			F.
			State
			Agency Improvements
			G.
			Utility
			Company
			Improvements
			H.
			Agriculture,
			Forestry, or
			Conservation
			I.
			Wetland
			Creation/Restoration
			J.
			Storm
			Water/Flood Control
			K.
			Erosion/Sed
			imentation Control
			L.
			Recreation/
			Boating/Navigation
			M.
			Routine
			Maintenance



**APPLICATION FOR A PERMIT  
FOR USE OF INLAND WETLANDS AND WATERCOURSES  
CITY OF GROTON, CONNECTICUT**

\_\_\_\_\_  
Name of Property Owner

\_\_\_\_\_  
Address of Property Owner

\_\_\_\_\_  
Name of Applicant

\_\_\_\_\_  
Address of Applicant

(To be completed by Commission) (Mo.)-(Yr.) Application No. <u>IW-_____</u> Date of Receipt _____
--

Authorization is hereby given to the commissioners or agents of the agency to inspect the property at reasonable times, both before and after permit

GENERAL DESCRIPTION OF PROPOSED ACTIVITY: \_\_\_\_\_

SKETCH MAP OF PROPERTY, SHOWING RELATIVE LOCATIONS OF WETLANDS AND WATERCOURSES AND PROPOSED REGULATED ACTIVITY. SEE SECTIONS 7 & 8 OF *THE CITY OF GROTON REGULATIONS FOR PROTECTION AND PRESERVATION OF INLAND WETLANDS AND WATERCOURSES* FOR A COMPLETE DESCRIPTION OF INFORMATION TO BE INCLUDED WITH PERMIT APPLICATIONS.

(To be completed by the commission)

APPLICATION APPROVED (DATE): \_\_\_\_\_ CONDITIONS OF APPROVAL, IF ANY: \_\_\_\_\_

APPLICATION DENIED (DATE): \_\_\_\_\_ REASONS FOR DENIAL, IF ANY: \_\_\_\_\_

Signed:

Chairman or Secretary of Commission \_\_\_\_\_

**PETITION FOR CHANGE OF INLAND WETLANDS REGULATIONS OR  
BOUNDARY**

**CONSERVATION COMMISSION  
CITY OF GROTON, CONNECTICUT**

\_\_\_\_\_  
Applicant's Name

\_\_\_\_\_  
Applicant's Address

(To be completed by Commission) (Mo.)-(Yr.)
Application No. <u>IW-</u> _____
Date of Receipt _____

APPLICATION FOR (Check appropriate Space)

Change of Inland wetlands Regulations Attach description of change desired, noting affected Section of regulations

Change on Official Inland Wetlands and Watercourses Map. Attach map showing present designation and proposed change.

Authorization is hereby given to the commissioners or agents of the agency to inspect the property at reasonable times, both before and after permit approval.

Signed: \_\_\_\_\_

(To be completed by the commission)

DATE OF PUBLIC HEARING: \_\_\_\_\_ DATE OF COMMISSION ACTION: \_\_\_\_\_

ACTION TAKEN: \_\_\_\_\_

REASONS FOR ACTION TAKEN: \_\_\_\_\_

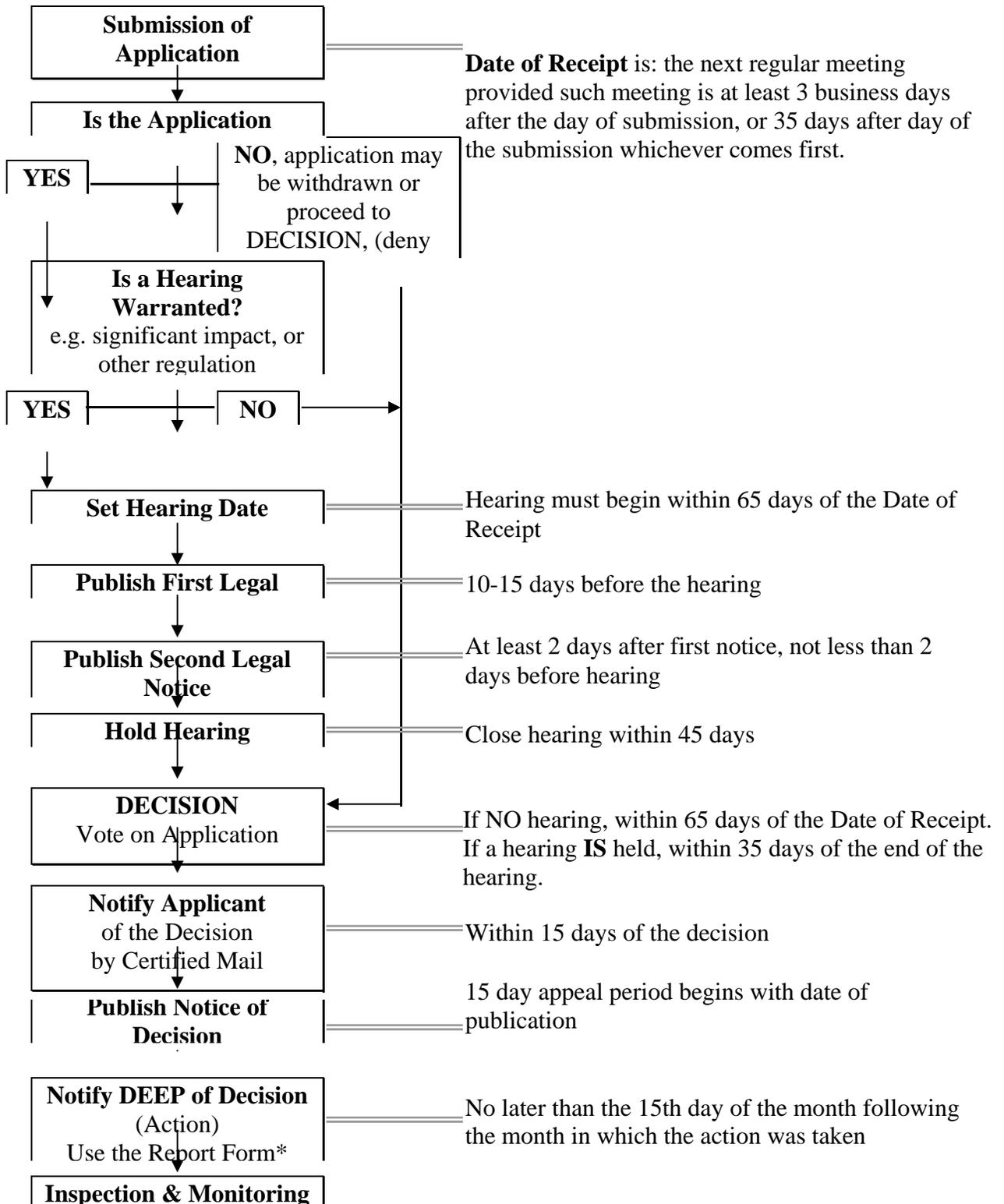
Signed: \_\_\_\_\_

Chairman or Secretary of Commission

**PERMIT PROCESSING FLOW CHART**

**ACTION**

**TIME TABLE**



## **REFERENCES**

Guidelines, Upland Review Area Regulations  
Connecticut's Inland Wetlands & Watercourses Act  
Connecticut State Statutes