



**TOWN OF STRATFORD  
INLAND WETLANDS & WATERCOURSES  
REGULATIONS**



**STRATFORD INLAND WETLANDS  
& WATERCOURSES AGENCY ~ 1989**

**AMENDED JANUARY 19<sup>th</sup>, 2012**

**INLAND WETLANDS AND WATERCOURSES REGULATIONS  
TOWN OF STRATFORD**

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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 wetland 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 hereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the state's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.
- 1.2 These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the Town of Stratford".
- 1.3 The Inland Wetlands and Watercourses Agency of the Town of Stratford was established in accordance with an ordinance adopted April 14, 1988 and shall implement the purposes and provisions of the Inland Wetlands and Watercourses Act in the Town of Stratford.
- 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 all provisions of the Inland Wetlands and Watercourses Act and shall issue, issue with modifications, and deny permits for all regulated activities on inland wetlands and watercourses in the Town of Stratford pursuant to Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.

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**SECTION 2**  
**INLAND WETLANDS AND WATERCOURSES DEFINITIONS**

- 2.1 As used in these regulations:

- 2.2 “**Act**” means the Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45 of the General Statutes, as amended.
- 2.3 “**Agency**” means the Inland Wetlands and Watercourses Commission of the Town of Stratford.
- 2.4 “**Bogs**” are usually distinguished by evergreen trees and shrubs, underlain by peat deposits, poor drainage, and highly acidic conditions.
- 2.5 “**Clear-cutting**” means the harvest of timber in a fashion that removes trees down to a 2” inch diameter at breast height.
- 2.6 “**Commission member**” means a member of the inland Wetlands and Watercourses Commission of the Town of Stratford.
- 2.7 “**Commissioner of Environmental Protection**” means the commissioner of the State of Connecticut Department of Environmental Protection.
- 2.8 “**Continual Flow**” means a flow of water, which persists for an extended period of time; this flow may be interrupted during periods of drought or during the low flow period of the annual hydrological cycle, June through September, but it recurs in prolonged succession.
- 2.9 “**Deposit**” includes, but shall not be limited to, fill, grade, dump, place, discharge or emit.
- 2.10 “**Discharge**” means emission of any water, substance or material into waters of the state whether or not such substance causes pollution.
- 2.11 “**Essential to the farming operation**” means that the proposed activity is necessary and indispensable to sustain farming activities on the farm.
- 2.12 “**Farming**” shall be consistent with the definition as noted in section 1-1(q) of the Connecticut General Statutes. (See Appendix A)
- 2.13 “**Feasible**” means able to be constructed or implemented consistent with sound engineering principles.
- 2.14 “**Grubbing**” The digging out and uprooting of stumps, roots, and other below ground vegetated material.
- 2.15 “**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.
- 2.16 “**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.
- 2.17 “**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.

- 2.18 “**Material**” means any substance, solid or liquid, organic or inorganic, including but not limited to: soil, sediment, aggregate, land, gravel, clay, bog, peat, mud, debris, sand, refuse, tree stumps or waste.
- 2.19 “**Municipality**” means the Town of Stratford, Fairfield County, Connecticut.
- 2.20 “**Nurseries**” means places where plants are grown for sale, transplanting, or experimentation.
- 2.21 “**Permit**” means the whole or any part of any license, certificate of approval or similar form of permission, which may be required of any person by the provisions of these regulations under the authority of the Inland Wetlands Commission.
- 2.22 “**Permittee**” means the person for whom such permit has been issued.
- 2.23 “**Person**” means any person, firm, partnership, association, corporation, limited liability company, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.
- 2.24 “**Pollution**” means harmful thermal effects 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 resulting from any filling or excavation activity.
- 2.25 “**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.
- 2.26 “**Regulated Activity**” means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetlands or watercourses, but shall not include the activities specified in **Section 4** of these regulations. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removal of material and discharging of storm water on the land within the following distances is a regulated activity:

WATERSHED DISTANCE		WATERSHED DISTANCE	
Far Mill River	350 Feet	Frash Pond	250 Feet
Cranberry Pond	250 Feet	Selby Pond	250 Feet
Beaver Dam Lake	250 Feet	Wooster Pond	250 Feet
Cooks Pond	250 Feet	North End Pond	250 Feet
Pumpkin Ground Brook	250 Feet	Bruce Pond	250 Feet
Cemetery Pond Brook	250 Feet	Brewster Pond	250 Feet
Pecks Mill Pond	250 Feet	Armory Road Wetlands (Snake Pit)	250 Feet
Pecks Mill Brook	250 Feet	Black Brook / Oronoque Brook	250 Feet

For all other inland wetlands and watercourses in Stratford such distance shall be **100 feet**. The Agency may rule that any other activity located within such upland review area or in any other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.

- 2.27 “**Remove**” includes, but shall not be limited to; drain excavate, mine, dig, dredge, suck, bulldoze, dragline or blast.

- 2.28 “**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 and use or addition of pesticides.
- 2.29 “**Significant impact activity or major effect**” 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, a violation cited or on another part of the inland wetland or watercourse system:
- (a.) Any activity involving a deposition or removal of material which will or may have a major effect or significant impact on the regulated area or on another part of the inland wetland or watercourse system, or
  - (b.) Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system, or
  - (c.) Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to support desirable fisheries, wildlife, or other biological life, prevent flooding, supply water, assimilate waste, facilitate drainage, provide recreation or open space or other functions, or
  - (d.) Any activity which causes substantial turbidity, siltation or sedimentation in a wetland or watercourse, or
  - (e.) Any activity which causes a substantial diminution of flow of a natural watercourse, or groundwater levels of the regulated areas, or
  - (f.) Any activity which causes or has the potential to cause pollution of a wetland or watercourse, or
  - (g.) Any activity that destroys unique wetland or watercourse areas having demonstrable scientific or educational value.
- 2.30 “**Soil Scientist**” means an individual duly qualified in accordance with standards set by the federal Office of Personnel Management.
- 2.31 “**Swamps**” are watercourses that are distinguished by the dominance of wetland trees and shrubs.
- 2.32 “**Submerged lands**” means those lands that are inundated by water on a seasonal or more frequent basis.
- 2.33 “**Town**” means the Town of Stratford, Fairfield County in the State of Connecticut.
- 2.34 “**Waste**” means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the waters of the Town.
- 2.35 “**Watercourses**” means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the Town or any portion thereof not regulated pursuant to Section 22a-28 through 22a-35, inclusive, of the General Statutes, as amended. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of **two** or more of the following characteristics: a) evidence of scour or deposits of recent alluvium or detritus, b) the presence of standing or flowing water for a duration longer than a particular storm incident, and c) the presence of hydrophytic vegetation.
- 2.36 “**Wetlands**” means land, including submerged land as defined in this section, not regulated pursuant to sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and

floodplain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

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### **SECTION 3 INVENTORY OF REGULATED AREAS**

- 3.1 The map of regulated areas, entitled “Inland Wetlands and Watercourses Map, Stratford, Connecticut,” delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection in the office of the Town Clerk or the Environmental Conservation Division. In all cases, the precise location of regulated areas shall be determined by the actual character of the land, the distribution of wetland soil types, and locations of watercourses. The Stratford Inland Wetlands and Watercourses 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 Town of Stratford Wetlands and Watercourses Map. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances, which support the change. The petitioner shall bear the burden of proof regarding the proposed map amendment. Such proof may include, but not be limited to aerial photography, remote sensing imagery, resource mapping or other available information. The Agency may require such person to provide an accurate delineation of regulated areas in accordance with Section 15 of these regulations.
- 3.3 The Agency shall maintain a current inventory of regulated areas within the town. The Agency may amend its map as more accurate information becomes available.
- 3.4 All map amendments are subject to the public hearing process outlined in Section 15 of these regulations.
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### **SECTION 4 PERMITTED USES OF RIGHT & NON-REGULATED USES**

- 4.1 The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:
- a. Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of these sections shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, or the mining of top soil, peat, sand, gravel, or similar material from wetlands or watercourses for the purposes of sale;
  - b. 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 24, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right

pursuant to this subsection unless the building permit was obtained on or before July 1, 1987. The individual claiming a use of wetlands permitted as a right under this subsection shall document the validity of said right by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, septic system, driveway, approval dates and other necessary information to document his entitlement;

- 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 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 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 General Statutes and;
- f. Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to section 22a-42a 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 the purposes of this section, "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 non-regulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetlands or watercourse:

- a. Conservation of soil, vegetation, water, fish, shellfish, and wildlife; and
- 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 other wise legally permitted and regulated.
- 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 purpose 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.
- d. Normal routine maintenance by Town of Stratford agencies, but not upgrading or improvement, of existing facilities and structures which structures or activities and the maintenance thereof that do not have a significant adverse or major effect upon a regulated area as determined by the agency in accordance with sections 2 and 7 of these regulations. Such maintenance work shall be performed so as to cause the least change, modification, disturbance or damage to the regulated area. Every reasonable effort, as determined by the agency, shall be made to restore the regulated area to its original natural condition by the town agency conducting such necessary maintenance work.

**d.(i)** Under this subsection, "Normal Routine Maintenance" by Town of Stratford agencies is restricted to the performance of activities incidental to maintaining the structural integrity and hydraulic conveyance of existing man-made drainage improvements located within public rights of way including, but not limited to: repairs to existing end walls, the clearing of debris, silt or other material that might hinder the flow of water discharged from an existing piped watercourse to an open watercourse, the flushing and routing of culverts, the excavation, repair and replacement of existing culverts with a culvert of equivalent capacity and grading appurtenant thereto provided there are no new drainage connections or no increased volume or rate of flow to the system, repair or adjustment to existing manholes, catch basins, grates and frames, maintenance of bridge piers, abutments and spans, the maintenance of roadshoulder swales and leak-offs, repair of retaining walls and restoration and stabilization of road shoulders, side slopes and embankments, provided that appropriate erosion and sediment control practices and structures are carried out as described in the current "Connecticut Guidelines for Soil Erosion and Sediment Control".

**d. (ii)** This section does not apply to work in unimproved cross-country easements or rights of way, on private property, or in any inland wetland soil or in a watercourse beyond the public right of way. Regulated activities in restricted areas such as these shall require that an application for an Inland Wetland Permit be filed as appropriate to the activity and area involved.

**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 the 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 the proposed operation and use is a permitted or nonregulated use of a wetland or watercourse. The Agency or its duly authorized agent 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.

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## **SECTION 5 STANDARDS OF REVIEW**

In accordance with the purposes of these regulations, pursuant to Section 1.1, the commission shall Apply relevant standards including, but not limited to the following:

### **5.1 General Standards**

In order to determine that an activity will not have a significant impact or a major effect on the general character of wetlands and watercourses, the Commission shall, as applicable, find that:

1. The alteration, disturbance and pollution of wetlands and watercourses will be avoided or minimized;
2. The height, width and length of structures will be limited to the minimum dimensions necessary to accomplish the intended function;
3. Loss of fish, wildlife, vegetation, or other beneficial organism will be prevented;
4. Potable water supplies will be protected from the dangers of drought, pollution, misuse and/or mismanagement;
5. The conservation, economic, recreational and aesthetic qualities of wetlands and watercourse will be maintained;

## **5.2 Water Quality**

In order to determine that an activity will not have a significant impact or a major effect on water quality in wetlands and watercourses, the Commission shall, as applicable, find that:

1. Flushing rates, freshwater sources, existing basin characteristics, and channel contours will not be adversely altered;
2. Water stagnation will neither be contributed to nor caused;
3. Drafting from watercourses shall be prohibited, except in fire emergencies;
4. Water pollution, which will unduly affect the flora, fauna, physical, chemical nature of the regulated area, or the propagation and habitats of fish and wildlife will not result;
5. Pollution of the groundwater or a significant aquifer will not result;
6. All applicable state and local health codes shall be met;
7. Water quality will be maintained or improved in accordance with the standards set by local, state and federal authority including Section 25-54(e) of the Connecticut General Statutes.

## **5.3 Soils and Erosion Sediment**

In order to determine that an activity causing soil erosion and/or sedimentation will not have a significant impact or a major effect on wetlands and watercourses, the Commission shall, as applicable, find that:

1. Temporary soil erosion control measures shall be employed and utilized during and post-construction until all disturbed areas are stabilized;
2. Permanent soil erosion control measures shall be employed and utilized using nonstructural alternatives, whenever possible, and structural alternatives when unavoidable;
3. Spillover of material into, and sedimentation of wetlands and watercourses will be prevented;
4. Existing circulation patterns, water velocity, or exposure to storm and flood conditions shall not be adversely altered;
5. Formation of deposits harmful to aquatic life and/or wetland habitats will not occur;
6. Applicable state federal and local guidelines shall be met, including the methods and techniques described and detailed in the State of Connecticut *Guidelines for Soil Erosion and Sediment Control*, January 1985, as may be amended.

## **5.4 Natural Habitats**

In order to determine that an activity will not have a significant impact or a major effect on the habitats or ecology of the habitats of wetlands and watercourses, the Commission shall, as applicable, find that:

1. Critical habitat areas, such as habitats of rare, threatened and endangered flora and fauna species shall be preserved;
2. The existing biological productivity of any wetland or watercourse shall be maintained or improved;
3. Breeding, nesting, and/or feeding habitats of wildlife will not be significantly altered;
4. Movements and cycles of fish and wildlife will not be significantly altered;
5. Periods of seasonal fish runs and bird migrations shall not be impeded;
6. Conservation and/or open space areas may be deeded whenever appropriate.

## **5.5 Discharge and Runoff**

In order to determine that an activity will not have a significant impact or a major effect on the flooding habits of wetlands and watercourses, the Commission shall, as applicable, find that:

1. The potential for run-off or flood damage on adjacent or adjoining properties will not be increased (i.e. zero percent increase in the rate of run-off);
2. The velocity or volume of run-off or flood waters both into and out of wetlands and watercourses will not be adversely impacted;
3. The capacity of any wetland or watercourse to transmit or absorb flood waters will not be significantly reduced;
4. Flooding upstream or downstream of the location site will not be significantly increased;
5. The activity is acceptable to the Town Engineer of the municipality of Stratford;

6. Concentrated discharge flow will be filtered and dissipated or spread before entering wetlands or watercourses;
7. Runoff increases shall be retained or detained on project site of proposed activity.

#### **5.6 Recreation and Public Uses**

In order to determine that an activity will not have significant impact or a major effect on existing or potential recreational or public uses in wetlands and watercourses, the commission shall, as applicable, find that:

1. Access to and use of public recreational open space facilities, both existing and planned, will not be prevented;
2. Watercourse channels (Stream Channel Lines) will not be obstructed;
3. Open space, recreational or other easements may be deeded whenever appropriate to protect these existing and potential recreational or public uses;
4. Wetlands and watercourses held in public trust will not be adversely affected.

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## **SECTION 6 REGULATED ACTIVITIES TO BE LICENSED**

- 6.1 No person shall conduct or maintain a regulated activity upon any inland wetland or watercourse regulated area without first obtaining a permit for such activity from the Inland Wetlands Agency of the Town of Stratford. Any person proposing to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse shall file an application with the Inland Wetlands Agency. The application shall be in such form and contain such information as the Inland Wetlands Agency may prescribe.
- 6.2 The Agency shall regulate any operation within or use of a wetland, watercourse or regulated setback areas involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands, watercourses or regulated setback areas 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 Town of Stratford Inland Wetlands and Watercourses Agency, or violating any other provision of these regulations, shall be subject to the enforcement proceedings set forth in Section 14 and penalties prescribed in Section 15 of these regulations and any other remedies as provided by law.
- 6.4 Appeals from any actions of the Agency shall be made in accordance with the provisions of section 22a- 43 of the Connecticut General Statutes, as amended.

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## **SECTION 7 APPLICATION REQUIREMENTS**

- 7.1 Any person wishing to undertake a regulated activity shall apply for a permit on a form entitled, "Town of Stratford Inland Wetlands and Watercourses Agency - Application for Permit". An application shall include an application form and such information as prescribed by Section 7.5 and, in the case of a significant activity, by Section 7.6 of these regulations. Application forms may be obtained in the offices of the Stratford Inland Wetlands Agency or the Town of Stratford Website ([www.townofstratford.com](http://www.townofstratford.com)).

- 7.2** If an application to the Town of Stratford Planning or 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 or zoning commission.
- 7.3** All applications shall contain such information as is necessary for a fair and informed determination thereon by the Agency.
- 7.4** A prospective applicant may request the Agency to determine whether or not a proposed activity involves a significant impact activity.
- 7.5** All applications shall include the following information in writing:
- a. The applicant's name, home and business address 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;
  - b. The owner's name, mailing address and telephone number and written consent of the land owner if the applicant is not the owner of the land upon which the subject activity is proposed;
  - c. Applicant's interest in the land;
  - d. The geographical location of the property which is to be affected by the proposed activity, including but not limited to a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, a computation of the area(s) (in acres or square feet) of wetlands or watercourse disturbance, soil type(s) and vegetation;
  - e. The purpose and a description of the proposed activity and proposed erosion and sediment controls and other management practices and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order or priority: avoid, restore, enhance and create productive wetland or watercourses resources;
  - f. Alternative(s) which would cause less or no environmental impact to wetlands or watercourses and why the alternative(s) as set forth in the application were chosen; all such alternatives shall be diagramed on a site plan or drawing;
  - g. A site plan showing 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 property owners;
  - i. Certification that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;
  - 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. Any other information the Agency deems necessary to the understanding of what the applicant is proposing;
  - l. Submission of the appropriate filing fee based on the fee schedule established in Section 19 of these regulations;
  - m. A completed DEP reporting form; the Agency shall revise or correct the information provided by the applicant, and shall submit the form to the Commissioner of Environmental Protection in accordance with Section 22a-39-14 of the Regulations of Connecticut State Agencies.

**7.6** At any time during the review period, the Agency may require the applicant to provide additional information about the regulated areas or proposed activity that is the subject of the application, or wetlands or watercourses affected by the proposed activity. This information is necessary for a comprehensive and fair evaluation of the application. Requests for additional information shall not stay the time limitations as set forth in Section 11.2. Such information, to be prepared by qualified professionals in the relevant field of expertise, may include, but is not limited to, the following:

**a. Site Development Plans:**

1. Property lines of real property to be affected, the owners of record of that property and of adjoining properties and existing structures;
2. Areas of proposed changes in use or activity;
3. Existing and proposed elevations, by contour lines, at 1 or 2 foot vertical intervals or as otherwise required by the Commission;
4. Inland Wetlands (with flag numbers and soil type), watercourses, vernal pools or other resource or regulated areas;
5. All existing and proposed drainage structures such as culverts, catch basins, drainage ditches, and dams including computations used in arriving at the drainage design;
6. Areas where material will be deposited, removed, or repositioned;
7. Significant vegetation, included on a vegetative inventory;
8. Existing flood elevation lines (base flood up to 100 year return frequency);
9. Location of any existing or proposed underground storage tanks.

**b. A soil report prepared by a registered soil scientist indicating soil types and locations of inland wetlands and watercourses. Soil types shall be identified within the categories established by the National Cooperative Soils Survey of the U.S. Soil Conservation Service. The soil scientist shall provide a live signature on the site development plans prepared by a certified Professional Engineer (PE), Land Surveyor, or Landscape Architect acknowledging that all mapped wetland boundary lines have been delineated by such soil scientist and are shown accurately on the plans;**

**c. A functional evaluation and description of any wetland or watercourse, including vernal pools on the affected property indicating:**

1. Dominant botanical species, rare, endangered or threatened species and vegetative cover types;
2. A summary and/or a table designed to describe and explain the functional value categories in the State of Connecticut Department of Environmental Protection Bulletin No. 9 or the United States Army Corp of Engineers Highway Methodology;
3. Depth of water table below the surface or level of water if inundated;
4. The date or dates of field inspection.

**d. Watercourse Characteristics. If the proposed activity may affect a watercourse lying within, partly within, or flowing through or adjacent to the affected property, the applicant may be required to submit information relative to the present character and the projected impact of the proposed activity upon the watercourse, including, but not limited to:**

1. pH levels;
2. Turbidity or total suspended solids, in parts per million;

3. Nitrogen, Phosphorous, Dissolved Oxygen and Carbon Dioxide levels in parts per million;
4. Flow in cubic feet per second;
5. Estimate of change in watercourses environment, including quality and quantity;
6. Tests for other biochemical constituents, as specified by the Commission;
7. Dates or date of field data collection.

**7.7 All information requested by the Commission for review shall be submitted to the Stratford Conservation Department at 550 Patterson Avenue, Stratford, Connecticut, no later than two weeks prior to the next scheduled meeting at which time the information will be reviewed. Failure to submit the requested documentation may result in the denial of the application.**

**7.8** If the proposed activity involves a **significant impact** activity or **major effect** as determined by the Agency and defined in **section 2.29** of these regulations, 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 use or operation and the property which will be affected, which show existing and proposed conditions, wetland and watercourse boundaries, land contour topography of not more than two (2) feet; boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the development drawn by a licensed surveyor, professional engineer or landscape architect registered in the State of Connecticut or by such other qualified person;
- b Engineering reports and analyses and additional drawings to fully describe the proposed project and any filling, excavation, drainage or hydraulic modifications to watercourses;
- c Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Soil Conservation Service. The applicant is to have the wetlands delineated in the field by a registered soil scientist in accordance with Section 7.7b of these Regulations.
- d Description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed regulated activities on these communities and wetland functions;
- e Description of how the applicant will change, diminish or enhance the ecological communities and functions of wetlands or watercourses involved in the application, and with each alternative, and a description of why each alternative considered was deemed neither feasible nor prudent;
- f Analysis of chemical or physical characteristics of any fill material;
- g Management practices and other measures designed to mitigate the impact of the proposed activity.

**7.9** 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 watershed or the adjoining municipality.
- 7.10** One (1) original and ten (10) copies of all application materials shall be submitted to comprise a complete application or as is otherwise directed, in writing, by the Agency.
- 7.11** Any application to extend the expiration date of a previously issued permit or amend an existing permit shall be filed with the Agency at least sixty-five (65) days prior to the expiration date for the permit in accordance with Section 8 of these regulations. Any application for amendment, renewal or extension shall be made in accordance with Section 7 as provided:
- a. The application may incorporate by reference the documentation and record of the original application;
  - b. The application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit;
  - c. The application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or the property for which the permit was issued;
  - d. The application shall state the reason why the authorized activity was not initiated or completed within the time specified in the permit;
  - e. The Agency may accept an untimely application to extend the expiration date of a permit if the authorized activity is ongoing and allow the continuation of work beyond the expiration date if, in its judgment, the permit is likely to be extended and the public interest or environment will be best served by not interrupting the activity. The application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit;
  - f. The Agency shall evaluate the application pursuant to Section 10 of these regulations and grant the application as filed, grant it with any terms or limitations, or deny it.
- 7.12** 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 enforcement action has been undertaken with regard to the regulated activity from which the permit was issued, provided no permit shall be valid for more than ten years, and further provided that any permit issued prior to July 1, 2011 that did not expire prior to May 9, 2011 shall be valid for no more than fourteen years.

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## SECTION 8 APPLICATION PROCEDURES

- 8.1** All petitions, applications, requests or appeals shall be submitted to the Inland Wetlands and Watercourses Agency (a.k.a. Environmental Conservation Division) of the Town of Stratford. The office is maintained in 550 Patterson Avenue, Stratford, Connecticut.
- 8.2** When an application to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse is filed and any portion of such wetland or watercourse is within 500 feet of the boundary of another municipality, the applicant shall give written notice of the application by certified mail, return receipt requested, on the same day to the inland wetlands agency of such other municipality.

- 8.3** 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 sit which:
- a Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
  - b A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
  - c A significant portion of the sewer or water drainage from the project site will flow through and significantly impact the sewage or drainage system within the adjoining municipality; or,
  - d Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.
  - e Notice of the pendency of such application shall be made by certified mail, return receipt requested and shall be mailed within seven (7) days of the date of receipt of the application.
- 8.4** When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in Section 16-1 of the Connecticut General Statutes, the applicant shall provide written notice of the application to the water company provided such water company has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of application. The water company, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the Agency.
- 8.5** The date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of the Agency, immediately following the day of submission to the Agency or its agent of such petition, application request or appeal or thirty five days after such submission, whichever is sooner.
- 8.6** **An application will not be deemed complete or placed on the agenda until the application fee, as described in Section 20 of these Regulations, has been paid in full. Additionally, all pertinent and required information as described in these regulations must be included in the application for submission and on the site plan.**
- 8.7** Copies of all Inland Wetland and Watercourse applications are open to public inspection.
- 8.8** Incomplete applications may be denied.

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## SECTION 9 PUBLIC HEARINGS

- 9.1** The Stratford Inland Wetlands and Watercourses Agency shall not hold a public hearing on an application unless the Agency determines that the proposed activity may have a significant impact on wetlands or watercourses or a petition signed by at least twenty-five (25) persons who are 18 years of age or older and who reside in Stratford requesting a hearing is filed with the Agency not later than fourteen (14) days after the date of receipt of such application or the Agency finds that a public hearing regarding such application would be in the public interest. The Inland Wetlands Agency may issue a permit without a public hearing provided no petition provided for in this subsection is filed with the 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 days after the date of receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. Any person may appear and be heard at any such public hearing.

- 9.2** The public hearing on an application shall be initiated no later than sixty-five (65) days after receipt of such application. The hearing shall be completed within forty-five (45) days of its commencement. Action shall be taken on such application within thirty-five (35) days after the completion of a public hearing. The applicant may consent to one or more extensions of the periods specified in this subsection provided the total extension of any such period shall not be for longer than the original period as specified in this subsection, or may withdraw such application.
- 9.3** Notice of the public hearing shall be published at least twice at intervals of not less than two days, the first not more than fifteen days and not fewer than ten days, and the last not less than two days before the date set for the hearing in a newspaper have a general circulation in each town where the affected wetland and watercourse is located.
- 9.4** Notice of the public hearing shall be mailed by the applicant via certified mail to the owner(s) of record of abutting land no less than fifteen days prior to the day of the hearing. Such certificates of mail shall be presented at the public hearing. Failure of an abutting landowner to receive notice shall not deprive the Agency of jurisdiction to hear and act on an application and shall not be grounds for appeal.
- 9.5** In the case of any application that is subject to the notification provisions of Section 8.3 of these Regulations, a public hearing shall not be conducted until the clerk of the adjoining municipality has received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record.

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## **SECTION 10 CONSIDERATIONS FOR DECISION**

- 10.1** The Commission may consider the following in making its decision on an applicant:
- a. The application and its supporting documentation;
  - b. Reports from other agencies and commissions including but not limited to the Town of Stratford:
    - ❖ Conservation Commission
    - ❖ Planning, Zoning or Planning and Zoning Commissions
    - ❖ Public Works Department
    - ❖ Engineering and Building Departments
    - ❖ Health Department
    - ❖ Waterfront-Harbor Management Commission
  - c. The Agency may also consider comments on any application from the Fairfield County Soil and Water Conservation District, the Greater Bridgeport 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 agencies and commissions listed in 10.1.c and d above within the prescribed time shall neither delay nor prejudice the decision of the Commission.
  - e. For an application for which a public hearing is held, public comments, evidence and testimony.

**10.2 Standards and Criteria For Decisions:** 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 including the effects on the inland wetland's and watercourse's capacity to support fish and wildlife, to prevent flooding, to supply and protect surface and groundwaters, to control sediment, to facilitate drainage, to control pollution, to support recreational activities, and to promote public health and safety;
- b. The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives could cause less or no environmental impact to the wetlands or watercourses including a consideration of alternatives which might enhance environmental quality or have a less detrimental effect, and which could feasibly attain the basic objectives of the activity proposed in the application. This consideration should include, but is not limited to, the alternative of requiring actions of a different nature that would provide similar benefits with different environmental impacts, such as using a different location for the activity;
- 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, including consideration of the extent to which the proposed activity involves trade-offs between short-term environmental gains at the expense of long-term losses, or vice versa, and consideration of the extent to which the proposed action forecloses or predetermines future options;
- d. Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the 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. This requires recognition that the inland wetlands and watercourses of the State of Connecticut are an indispensable, irreplaceable and fragile natural resource, and that these areas may be irreversibly destroyed by deposition, filling, and removal of material, by the diversion, diminution or obstruction of water flow including low flows, and by the erection of structures and other uses;
- e. The character and degree of injury to, or interference with safety, health, or the reasonable use of property, including abutting or downstream property, which is caused or threatened by the proposed regulated activity, or the creation of conditions that may do so. This includes recognition of potential damage from erosion, turbidity, or siltation, loss of fish and wildlife and their habitat, loss of unique habitat having demonstrable natural, scientific or educational value, loss or diminution of beneficial aquatic organisms and wetland plants, the dangers of flooding and pollution, and the destruction of the economic, aesthetic, recreational and other public and private uses and values of wetlands and watercourses to the community;
- f. 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 or watercourses;
- g. Measures which would mitigate the impact of any aspect of the proposed regulated activity. Such measures include, but are not limited to, actions which would avoid adverse impact 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, to prevent flooding, to supply and protect surface and groundwater to 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. Mitigation may include any reasonable measures which would mitigate the impacts of the regulated activity and which would (a) prevent or minimize pollution or other environmental damage, (b) maintain or enhance existing environmental quality, or (c) in the following order of priority: restore, enhance and create productive wetland or watercourse resources.

- 10.3** In the case of an application which received a public hearing pursuant to a finding by the Agency that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Agency finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding the Agency shall consider the facts and circumstances set forth in subsection 10.2 of this section. The finding and the reasons therefore shall be stated on the record in writing.
- 10.4** In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternative to the proposed regulated activity which have less adverse impacts 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/she is entitled to the permit or to present alternatives to the proposed regulated activity.
- 10.5** For purposes of this section, (1) “wetlands and watercourses” includes aquatic, plant, or animal life and habitats in wetlands and watercourses, and (2) “habitats” means areas or environments in which an organism or biological population normally lives or occurs.
- 10.6** The Stratford Inland Wetlands and Watercourses Agency shall not deny or condition an application for a regulated activity in area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.
- 10.7** In reaching its decision on any application after a public hearing, the Agency shall base its decision on the record

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## **SECTION 11 DECISION AND PERMIT PROCESS**

- 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 necessary to carry out the purposes of the Act; or deny the application. Such terms may include any reasonable measure which would mitigate the impacts of the regulated activity and which would a) prevent or minimize pollution or other environmental damage, b) maintain or enhance existing environmental quality, or c) in the following order of priority: restore, enhance and create productive wetland or watercourse resources.
- 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 forty-five (45) days of its commencement. Action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or may withdraw the application. The failure of the Agency to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application.

An application deemed incomplete by the Agency shall be withdrawn by the applicant or denied by the Agency.

- 11.3** The Agency shall state upon its record the reasons and bases for its decision and, in the case of any public hearing, such decision shall be based fully on the record of such hearing and shall be in writing, as applicable and in accordance with Section 10 of these regulations, incorporate a statement relative to the consideration of feasible and prudent alternatives.
- 11.4** The Agency shall notify the applicant and any named parties to the proceeding of its decision within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the agency shall cause notice of its order in the issuance or denial of the permit, to be published in a newspaper having general circulation in the town wherein the inland wetland or watercourse lies. In any case in which such notice is not published within such fifteen-day period, the applicant may provide for the publication of such notice within ten days thereafter.
- 11.5** If an activity authorized by the inland wetland permit also involves an activity or project which requires zoning or subdivision approval, a special zoning permit, variance or special exception, under sections 8-3(g), 8-3c, or 8-26 of the Connecticut General Statutes, the Agency shall file a report of the application with the Town of Stratford Planning, Zoning or Planning and Zoning Commission within fifteen days of the date of the decision thereon.
- 11.6** Any permit issued by the Agency for the development of land for the which approval is required under Section 8-3, 8-25 or 8-26 of the Connecticut General Statutes shall be valid for five years provided the Agency may establish a specific time period within which any regulated activity shall be conducted. Any permit issued by the Agency for any other activity shall be valid for not less than two years and not more than five years. 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 of not less than nine years after the date of such approval.
- 11.7** No permit issued by this Agency shall be assigned or transferred without the written permission of the Commission.
- 11.8** If a bond or insurance is required in accordance with Section 13 of these regulations, no permit shall be issued until such bond or insurance is provided in accordance with the Commission's permit approval.
- 11.9** General provisions in the issuance of all permits:
- a. In evaluating applications in which the Agency relied in whole or in part on information provided by the applicant, if such information 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 of the Town of Stratford, 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 or municipal laws or regulations pertinent to the property or activity.
  - c. If the activity authorized by the inland wetland permit also involves an activity or a project which requires zoning or subdivision approval, special permit, variance or special exception, no work pursuant to the wetland permit may begin until such approval is obtained.
  - d. The Permittee shall take such necessary steps consistent with the terms and conditions of the permit, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.

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## **SECTION 12**

### **ACTION BY DULY AUTHORIZED AGENT**

- 12.0** 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 Section 8, 9, and 11 of these regulations, such agent may approve or extend such an activity at any time.
- 12.1** Any person receiving such approval from such agent, within ten days of the date of such approval, publish, at the applicant's expense, notice of the approval in a newspaper having a general circulation in the town wherein the activity is located or will have an effect. Any person may appeal such decision of such agent to the Agency within fifteen days after the publication date of the notice and the Agency shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt by such Agency or its agent of such appeal. Any person may appear and be heard at the meeting held by the Agency to consider 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.

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## **SECTION 13**

### **BOND AND INSURANCE**

- 13.1** Upon approval of the application and prior to issuance of a permit, the applicant shall, at the discretion of the Agency, be required to file a bond in such amount and in a form approved by the Agency.
- 13.2** The bond 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, at its discretion, may require the applicant to certify that it has public liability insurance, which might result from the proposed operation or use of the wetlands or watercourses covering any and all damage that might occur within two (2) years of completion of such operations, in an amount commensurate with the regulated activity.

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## **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 section shall not delay or bar an action pursuant to section 22a-44(b) of the General Statutes, as amended;
  - b. Issue a notice of violation of such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the Agency's jurisdiction, 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 applicant 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 any permit, the Agency shall issue notice to the Permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct that warrants the intended action. At the public hearing the Permittee shall be given 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 personal service or 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.

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## **SECTION 15 PENALTIES**

- 15.1** Any person who commits, takes part in, assists in any violation of any provision of these regulations, shall be subject to the penalties and remedies provided in the inland Wetlands and Watercourses Act, and to such other penalties and remedies as the law may provide.
- 15.2** Sufficient grounds for penalties and remedies to be imposed, where applicable, revocation of any license or other form of approval granted under provisions of these Regulations, shall include, but not be limited to:
- a. A knowing failure of the person or any of his/her/its agents to provide correct information;

- b. A finding of performance without a license, or other form of approval by the Commission;
  - c. A finding of performance exceeding the levels (i.e. scope of work) of activity licensed or approved by the Commission.
- 15.3** The amount of any fine levied shall be imposed by the Stratford Conservation Officer or the Connecticut Superior Court in action brought by the Commission. The fine shall not exceed One Thousand Dollars (\$1,000) for each violation. Each violation of said section shall be a separate and distinct offense, and in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. In assessing the damage and in recommending the amount of fine to be levied, the Commission shall consider the following criteria:
- a. The environmental impact of the unauthorized action, facility or condition;
  - b. The irreversible and irretrievable commitment caused by the unauthorized action, facility or condition;
  - c. The character and degree of injury to, interference with public health, safety, and welfare that the unauthorized action, facility or condition has caused;
  - d. The continuance of the violation after notification by the Commission or its Agent has been given, or service of any order or notice within the powers of the Commission.
- 15.4** The penalties collected pursuant to this Section shall be used solely by the Commissioner of Environmental Protection (1) to restore the affected inland wetlands and/or watercourses to their previous conditions prior to the violation, (2) to restore other degraded wetlands and watercourses, (3) to inventory or index wetlands or watercourses of the state, or (4) to implement a comprehensive training program for inland wetland agency members.
- 15.5** Any fee collected shall be applied to defray the cost and expenses of the Commission in carrying out its duties under these Regulations.

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## SECTION 16 AMENDMENTS

- 16.1** These regulations and the Inland Wetlands and Watercourses Map for the Town of Stratford may be amended, from time to time, by the Agency in accordance with changes in the Connecticut General Statutes or regulations of the State Department of Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available.
- 16.2** An application filed with the Agency which is in conformance with the applicable inland wetlands regulations as of the date of 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.
- 16.3** These regulations and the Town of Stratford 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 Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except determinations of boundaries, at least thirty-five (35) days before

the public hearing on their adoption. Application forms and fee schedules shall be considered as part of the Agency regulations.

**16.4** Petitions requesting changes or amendments to the “**Inland Wetlands and Watercourses Map, Stratford, 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 the proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations;
- e. the reasons for the requested action.

**16.5** Any person who submits a petition to amend the Inland Wetlands and Watercourses Map, Stratford, Connecticut, shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation of aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the Agency. If such person is the owner, developer or contract purchaser of the land which is subject of the petition, or such person is representing the interests of such an owner, developer or purchaser, in addition to the information required in subsection 15.4, the petition shall include:

- a. The name, mailing address and telephone number of the owner(s) of such land and owner(s) agent or other representative;
- b. The names and mailing addresses of the owners of abutting land;
- c. Documentation by a soil scientist of the distribution of wetland soils on said land. Such documentation shall at a minimum include the report of the soil scientist documenting the location of wetland soils on the land map 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.

**16.6** Watercourses shall be delineated by a qualified individual such as an ecologist, geologist or soil scientist.

**16.7** A public hearing shall be held on petitions to amend the Inland Wetlands and Watercourses Map. Notice of the hearing shall be published in a newspaper having substantial circulation in the municipality at least twice at intervals of not less than two days, the first not more than fifteen (15) days, nor less then (10) days, and the last not less than two days before the date set for the hearing. All materials including maps and documents relating to petition shall be open for public inspection.

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

- 16.9** The Agency shall make its decision and state, in writing, the reasons why the change in the Inland Wetland and Watercourses Map was made.
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## **SECTION 17 APPEALS**

- 17.1** Appeal on actions of the Agency shall be made in accordance with the provisions of Section 22a 43 of the General Statutes, as amended.
- 17.2** Notice of such appeal shall be served upon the Agency and the Commissioner of Environmental Protection.
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## **SECTION 18 CONFLICT AND SEVERANCE**

- 18.1** If there is a conflict between the provisions of these regulations, the provision that imposes the most stringent standards for the use of wetlands and watercourses shall govern. The invalidity of any word, clause, sentence, section, part, subsection or provision of these regulations shall not affect the validity of any other part that can be given effect without such valid part or parts.
- 18.2** If there is a conflict between the provisions of these regulations and the provisions of the act, the provisions of the act shall govern.
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## **SECTION 19 OTHER PERMITS**

- 19.1** Nothing in these regulations shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the Town of Stratford, State of Connecticut and the Government of the United States including any approval required by the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers. Obtaining such assents, permits or licenses, is the sole responsibility of the applicant.
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## **SECTION 20 APPLICATION FEES**

- 20.1 Fees:**
- a. Fees are set to cover the reasonable cost of reviewing and acting on applications, petitions and monitoring compliance with any permit or Agency order.
  - b. The Town of Stratford, Connecticut and the State of Connecticut shall be exempt from the payment of fees.
  - c. All fees required by these regulations shall be submitted to the Agency by certified check, money order or a valid personal check payable to the Town of Stratford at the time the application is filed with the Agency

- d. 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.
- e. No application fee is refundable.

**20.2 Definitions.** As used in this section:

- a. “Residential uses” means activities carried out on property developed for permanent housing or being developed to be occupied by permanent housing.
- b. “Commercial uses” means activities carried out on property developed for industry, commerce, trade, recreation or business or being developed to be occupied for such purposes, for profit or nonprofit.
- c. “Other uses” means activities other than residential uses or commercial uses.

**20.3** Application fees shall be based on the following schedule, which includes the **\$60.00** State Land Use Fee (P.A. 92-235)

- a. **Permitted and Non-Regulated uses** (Section 4) ~ No Charge
- b. **Residential development uses:**
  - 1. Residential, Single lot ~ **\$1000** base fee *plus* Fee from Schedule A
  - 2. Residential subdivision ~ **\$210** base fee *plus* **\$750 per regulated lot** fee *plus* Fee from Schedule A
  - 3. Condos, apartments, attached or detached multifamily housing ~ **\$210** base fee *plus* **\$500 per building** fee *plus* **\$75/unit** fee.
- c. **Commercial/Industrial development uses:**
  - 1. Single site development ~ **\$1500** base fee *plus* **2 x Fee** from Schedule A
  - 2. Subdivision ~ **\$1000** base fee *plus* **\$500 per lot** fee *plus* **2 x Fee** from Schedule A  
Plus \$100/parcel (lot) containing wetlands and/or watercourses  
 \$75/parcel (lot) containing a regulated setback area  
Or \$200/acre of actual wetlands or watercourses on subdivision, whichever is greater
- d. **Other auxiliary uses and activities:** (e.g. additions, pools, outbuildings, excavations, major grading, storage, tanks, retaining walls, other uses)  
  
 Residential: Sheds **\$100** and above-ground pools **\$200**  
 All others **\$300** base fee *plus* Fee from Schedule A  
  
 Commercial: **\$700** base fee *plus* Fee from Schedule A
- e. **SCHEDULE A:** For the purposes of calculating the permit application fee, Schedule A is the total area of wetlands, watercourses and regulated setback areas for the entire property submitted for review:
  - 1. **\$50 per 1000 square feet of regulated setback area disturbance** for the first 100 feet adjacent to the wetlands or watercourses
  - 2. **\$75 per 100 square feet of actual wetlands or watercourse disturbance**

- f. **Permit: Extensions, Transfers** \$300; Modifications: 25% of the Application Fee
- g. **Land Recording Notice Fee:** \$50 per page, plus \$5 for each additional page
- h. **Map Amendment Petitions:** \$200
- i. **Public Hearing Fee:** \$500 per evening; fee shall be paid prior to final Agency action.
- j. If the sum of the application fees exceeds \$15,000, the applicant, at their own discretion, is eligible to pay in the following installments: 50% of the fee to be due by the receipt date of the application, and 50% of the fee to be due after any approval by the Agency but before a permit is physically issued. A permit may not be issued until the fee has been paid in full. If no approval is granted by the Agency, the second installment is fully waived, and the first installment is nonrefundable
- k. **Additional Review Fee:** The Commission may require additional technical assistance in evaluating an application submitted, or a modification to an application, if it finds that the nature, size, or intensity of development may have a significant impact as defined in Section 2.30 and that Town staff will not be able to complete a technical review of an application in the time period prescribed by state statute or that the expertise required to review the application is outside that of the Town staff. The expense of the additional technical assistance shall be estimated by the Commission, based on a preliminary and reasonable estimate prepared by a qualified party or expert, and the estimated cost of reviewing the application times one hundred fifty percent shall be paid by the applicant and deposited with the Commission or its designated agent. Such deposit shall be made prior to review of the application. Upon completion of the technical review and final action by the Commission on the application, the Town shall determine the costs incurred from the review and refund any unused monies to the applicant. Applicants shall not be responsible for costs incurred for technical assistance that exceed one hundred fifty percent of the Commission's estimate.

**20.4 Exemption.** Boards, Commissions, councils, and departments of the Town of Stratford are exempt from all fee requirements.

**20.5 Waiver.** The applicant may petition the Agency to waive, reduce or allow delayed payment of the fee. Such petitions shall be in writing and shall state the full facts and circumstances the Agency should consider in its determination under this subsection. The Agency may waive all or part of the application fee if the Agency determines that:

- a. The activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee, or
- b. The amount of the application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application.
- c. The applicant has shown good cause.

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

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## SECTION 21 ACTIVITIES REGULATED BY THE STATE

21.1 The Commissioner of Environmental Protection shall have exclusive jurisdiction over regulated activities in or affecting wetlands or watercourses, undertaken by any department, agency or

instrumentality of the State of Connecticut, except any local or regional board of education, pursuant to sections 22a-39 or 22a-45a of the Connecticut General Statutes.

- 21.2 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.
- 21.3 The Commissioner of Environmental Protection shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of Environmental Protection under section 22a-402 of the Connecticut General Statutes or a permit issued by the Commissioner of Environmental Protection under sections 22a-403 of the Connecticut General Statutes. Any person receiving such dam repair or removal order or permit shall not be required to obtain a permit from a municipal wetlands agency for any action necessary to comply with said dam order or to carry out the activities authorized by said permit.
- 21.4 The Commissioner of Environmental Protection shall have exclusive jurisdiction over the discharge of fill or dredged materials into the wetlands and watercourses of the state pursuant to section 401 of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under section 404 of the Federal Clean Water Act.

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## SECTION 22 EFFECTIVE DATE OF REGULATIONS

- 22.1 These regulations, as amended, shall become effective upon filing in the Office of the Town Clerk and publication of a notice of such action in a newspaper having general circulation in the Town of Stratford.

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## SECTION 23 RECORDS RETENTION AND DISPOSITION

- 23.1 The Commission and the Town Clerk for the Town of Stratford shall retain complete administrative records of the Commission's actions and dispose of such records in accordance with the retention/disposition schedules set forth in Subsection 23.2.
- 23.2 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:

TITLE OF RECORD	MINIMUM RETENTION REQUIRD BY AGENCY	MINIMUM RETENTION REQUIRD BY TOWN CLERK
Applications (inc. supporting materials)	10 Years	---
Decision Letters	10 Years	Permanent
Approved Site Plans	10 Years	---
Legal Notices	10 Years	Permanent
Staff and Public Written Testimony (hearing records)	10 Years	---
Minutes of Meetings & Public Hearings	15 Years	Permanent

Tapes, Audio – Inland Wetland Matters	4 Years	---
Notices of Violation & Orders	10 Years	---
Text Changes Adopted in Regulations	Continuous Update/Permanent	---
General Correspondence Issued or Received	5 Years	---

## 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, hoopouses 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

### P.A. No. 05-124: Conservation Easements—Preservation.

Section 1. Section 47-42a of the General Statutes is repealed and the following is substituted in lieu thereof (effective October 1, 2005): **Connecticut General Statutes, sec. 47-42a**

For the purposes of sections 47-42b, 47-42c and section 2 of this act, the following definitions shall apply:

(a) “**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) “**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.

**Sec. 2. (Effective October 1, 2005)** (a) For purposes of this section, “state or local land use agency” includes, but is not limited to, a municipal planning commission, municipal zoning commission, combined municipal planning and zoning commission, a municipal zoning board of appeals, municipal inland wetlands and watercourses agency, a municipal historic district commission and any state agency that issues permits for the construction or improvement of real property.

(b) No person shall file a permit application with a state or local land use agency or a local building official or director of health, other than for interior work in an existing building or for exterior work that does not expand or alter the footprint of an existing building, relating to property that is subject to a conservation restriction or a preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction not later than sixty days prior to the filing of the permit application. In lieu of such notice, 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. If the applicant has provided written notice pursuant to this Subsection, the holder of the restriction may provide proof to the state or local land use agency or local building official or director of health that granting of the permit application will violate the terms of the restriction, and such agency, official or director shall not grant the permit.

(c) If the applicant fails to comply with the provisions of Subsection (b) of this section, the party holding the conservation or preservation restriction may, not later than fifteen days after receipt of actual notice of permit approval, file an appeal with the state or local land use agency or local building official or director of health, subject to any rules of such agency, official or director relating to appeals. The agency, official or director shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction.

