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# City of Norwalk, Connecticut



*Amelanchier canadensis* – Shadblow Serviceberry photo courtesy of UConn Plant Database

## Inland Wetlands & Watercourses Regulations

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# **Inland Wetlands & Watercourse Regulations for the City of Norwalk, Connecticut**

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## **§ 60A-1.**

### **Title, authority and purpose.**

- A. These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the City of Norwalk."
- B. The Conservation Commission of the City of Norwalk was established as the Inland Wetland Agency in accordance with an ordinance adopted September 24, 1973 and shall implement the purposes and provisions of these regulations and the Inland Wetland and Watercourses Act in the City of Norwalk.
- C. 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.
- D. The Conservation Commission shall enforce the Inland Wetland and Watercourses Act and shall issue, issue with terms, conditions, limitations or modifications, or deny permits for all regulated activities in the City of Norwalk pursuant to sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.
- E. Purpose.
  - (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 City have been endowed. The inland wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life. Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the City of Norwalk 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 City 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 City.
  - (2) It is, therefore, the purpose of these regulations to protect the citizens of the City of Norwalk by making provisions for the preservation, protection, maintenance and use of the inland wetlands and watercourses by

minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the City'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 City 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 City, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

## **§ 60A-2. Definitions.**

- A. As used in these regulations, the following terms shall have the meanings indicated:
- (1) ACT – The Inland Wetlands and Watercourses Act, sections 22a-36 through 22a-45, inclusive, of the Connecticut General Statutes, as amended.
  - (2) AGENCY -- The Conservation Commission of the City of Norwalk.
  - (3) BOG – Areas distinguished by an association of evergreen trees and shrubs recognized as bog species underlain by peat deposits, poor drainage, and highly acidic conditions.
  - (4) CITY – The City of Norwalk.
  - (5) CLEAR CUTTING -- The harvest of timber products in a fashion which removes all species of trees down to a two-inch diameter at breast height or removal of vegetation in a manner which significantly alters the natural or indigenous character of the land.
  - (6) COMMISSIONER OF ENVIRONMENTAL PROTECTION – The commissioner of the State of Connecticut Department of Environmental Protection.
  - (7) CONTINUAL FLOW -- 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.
  - (8) DEPOSIT -- Includes, but shall not be limited to, fill, grade, dump, place, discharge or emit.
  - (9) DESIGNATED AGENT -- Individual(s) designated by the Agency to carry out its functions and purposes.
  - (10) DISCHARGE -- The emission of any water, substance or material into watercourses or wetlands, whether or not such substance causes pollution.
  - (11) DISTURB THE NATURAL AND INDIGENOUS CHARACTER OF THE WETLAND OR WATERCOURSE -- Activity that will alter the inland wetlands and watercourses by reason of removal or deposition of material, clearing the land, alteration or obstruction of water flow, or pollution.
  - (12) ESSENTIAL TO THE FARMING OPERATION -- Activity proposed is necessary and indispensable to sustain farming activities on the farm.
  - (13) FARMING -- The use of land for growing crops, raising livestock or other agricultural use.
  - (14) FEASIBLE -- Able to be constructed or implemented consistent with sound engineering principles.
  - (15) GRUBBING – The digging out and uprooting of stumps, roots, and other below ground vegetated material.
  - (16) MANAGEMENT PRACTICES -- A practice, procedure, activity, structure or facility designed to prevent 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 or 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.
- (17) MARSH -- An area normally covered with shallow water, subject to seasonal variations, that is distinguished by the absence of trees and shrubs and the dominance of an association of soft-stemmed herbaceous plants.
  - (18) MATERIAL -- Any substance, solid or liquid, organic or inorganic, including, but not limited to: soil, sediment, aggregate, land, gravel, clay, peat, mud, debris, sand, refuse or waste.
  - (19) MUNICIPALITY -- The City of Norwalk, Fairfield County, Connecticut.
  - (20) NURSERIES -- Land used for propagating trees, shrubs or other plants for transplanting, sale or for use as stock for grafting.
  - (21) PERMIT -- The whole or any part of any license, certificate or approval or similar form of permission which may be required of any person by the provisions of these regulations under the authority of the Inland Wetlands Agency.
  - (22) PERMITTEE -- The person to whom such permit has been issued.
  - (23) PERSON -- Any person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporations, government agencies or subdivisions thereof.
  - (24) POLLUTION -- The contamination or rendering unclean or impure of, or harmful thermal effect on, any watercourses or wetlands by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as to come in contact with any waters, directly or indirectly. This includes, but is not limited to, erosion and sedimentation or turbidity resulting from any filling, land clearing or excavation activity.
  - (25) PRUDENT -- Economical and otherwise reasonable in light of the social benefits to be derived from the proposed regulated activity, provided that cost may be considered in deciding what is prudent and further, provided, that a mere showing of expense will not necessarily mean an alternative is imprudent.
  - (26) REGULATED ACTIVITY -- Any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetland or watercourse, but shall not include the activities specified in § 22a-40 of the Connecticut General Statutes, as amended. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, construction, depositing or removal of material, or discharging of stormwater on the land within the following upland review areas is a regulated activity:

- a) within fifty (50) feet from the boundary of any wetland,
- b) within one hundred (100) feet of the boundary of any watercourse, or
- c) within all slopes or portions thereof with a grade in excess of 20% within 50 feet of a wetland or within 100 feet of a watercourse. This regulated area includes all land measuring from the toe of the slope to the point on the slope where the grade drops to 10% or less for a distance of at least fifty (50) feet. Slope measured each ten (10) feet of horizontal distance on straight line transects that are perpendicular to contour lines.

The Agency may rule that any other activity located within such upland review area, or in any other non-wetland or non-watercourse area, likely to impact or affect wetlands or watercourses is a regulated activity.

“Regulated activities” are considered Minor, Intermediate and Significant as defined below:

- a) “Minor Regulated Activity” means those activities which would result in no greater than minimal impact on any wetland or watercourse. Additionally, the following shall apply:
  - i) No activity shall be considered a Minor Regulated Activity if any portion of the activity occurs within a wetland or watercourse.
  - ii) No on-site septic installation, other than solely replacement of the septic tank, within a wetland, watercourse, or upland review area shall be considered a Minor Regulated Activity.
  - iii) No activity resulting in the deposition or grading of more than 100 cubic yards of material within a upland review area shall be considered a Minor Regulated Activity.
- b) “Intermediate Regulated Activity” means any activity within, or use of, a wetland, watercourse, or upland review area within the City involving removal or deposition of material, placement of any obstruction, construction, alteration or pollution of such wetlands or watercourses. Additionally, the following shall apply:
  - i) No activity resulting in the deposition or grading of more than 150 cubic yards of material within a wetland, watercourse, or upland review area shall be considered an Intermediate Regulated Activity.
- c) “Significant Regulated Activity” means any activity including, but not limited to, the following activities which may have a substantial effect on any wetland or watercourse:
  - i) Any activity involving a deposition or removal of material which will or may have a substantial effect on any inland wetland or watercourse;
  - ii) Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system;

- iii) 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 perform other functions;
  - iv) Any activity which is likely to cause or has the potential to cause a substantial turbidity, siltation or sedimentation in a wetland or watercourse;
  - v) Any activity which causes a substantial diminution of flow of a natural watercourse or groundwater levels of the regulated area;
  - vi) Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value;
  - vii) Any activity which is likely to causes or has the potential to cause pollution of a wetland or watercourse.
- (27) REGULATED AREA --Any wetlands and watercourses in the City of Norwalk as defined in these regulations;
- (28) REMOVE -- Includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, grub, clear cut, bulldoze, dragline or blast.
- (29) RENDERING UNCLEAN OR IMPURE -- Any undesirable alteration of the physical, chemical or biological properties of any watercourses or wetlands, including, but not limited to, change in color, odor, turbidity or taste.
- (30) SOIL SCIENTIST -- An individual duly qualified in accordance with standards set by the Federal Office of Personnel Management.
- (31) SUBMERGED LANDS -- Those lands which are inundated by water on a seasonal or more frequent basis.
- (32) SWAMP -- An area with a water table at or near the surface of the ground throughout most of the year and containing vegetation dominated by an association of trees and/or shrubs recognized as swamp species.
- (33) WASTE -- Sewage or any liquid, gaseous, solid or radioactive substance which may pollute any of the watercourses or wetlands.
- (34) WATERCOURSE -- Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the City of Norwalk or any portion thereof not regulated pursuant to Sections 22a-28 through 22a-35 of the Connecticut General Statutes (the Tidal Wetlands Act), as amended. An intermittent watercourse 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.

- (35) WETLANDS -- Land, including submerged land as defined in Section 60A-2A(31) of these regulations, not regulated pursuant to Sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes (the Tidal Wetlands Act), as amended, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and floodplain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resources Conservation Service of the United States 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.

**§ 60A-3.**  
**Inventory of regulated area.**

- A. The map, entitled "Inland Wetlands and Watercourses Map, Norwalk, 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 Agency. In all cases, the precise location of regulated areas shall be determined by the actual character of the land, the distribution of wetland soil types and location of watercourses. Such determinations shall be made by field inspection conducted by a Soil Scientist where soil classifications are required, or, where watercourse determinations are required, by any other qualified individual. The Agency may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations or other information in determining the location of the boundaries of wetlands and watercourses. The Map shall be considered advisory only.
  
- B. Any property owner who disputes the designation of any part of his or her land as a regulated area on the Inland Wetlands and Watercourses Map may petition the Agency to change the designation in accordance with § 60A-15 of these regulations. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall provide proof that the designation is inapplicable. Documentation in accordance with § 60A-15 of these regulations shall be required of the property owner when the Agency requires an accurate delineation of regulated areas.
  
- C. The Agency or its designated agent(s) shall inventory and maintain current records of all wetland and watercourses within the City. The Agency may amend its map, from time to time, as information becomes available relative to more accurate delineation of wetlands and watercourses within the City. Such map amendments are subject to the public hearing process outlined in §60A-15 of these regulations.

## **§ 60A-4.**

### **Permitted operations and uses.**

- A. The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:
- (1) Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation. The provisions of this section 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 mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses or regulated areas for the purpose of sale;
  - (2) A residential home (i) for which a building permit has been issued or (ii) on a subdivision lot, provided that the permit has been issued or the subdivision has been approved by a municipal Planning, Zoning, or Planning & Zoning Commission, as of the effective date of promulgation of the municipal regulations pursuant to Subsection (b) of Section 22a-42a, or as of July 1, 1974, which ever is earlier, and further provided no residential home shall be permitted as of right pursuant to this section unless the building permit was obtained on or before July 1, 1987. The individual claiming use of wetlands permitted as a right under this subsection shall document the validity of said right by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, septic system, driveway, approval dates or other necessary information to document his or her right hereunder;
  - (3) Boat anchorage or mooring, not to include dredging or dock construction;
  - (4) Construction and operation, by water companies as defined by Section 16-1 of the Connecticut General Statutes or by municipal water supply systems as provided for in Chapter 102 of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in Sections 22a-401 through 22a-410 of the Connecticut General Statutes;
  - (5) Uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than one acre and containing a residence. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of significant amounts of materials from or into a wetland or watercourse, or diversion or alteration of a watercourse.
  - (6) 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 that such pipe is on property which is zoned as residential but which does not contain

hydrophytic vegetation. For purposes of this subsection, "maintenance" means the removal of accumulated leaves, soil and other debris whether by hand or machine, while the pipe remains in place.

- B. The following operations and uses shall be permitted as non-regulated uses in wetlands and watercourses, provided that they do not disturb the natural and indigenous character of the wetland or watercourse:
  - (1) Conservation of soil, vegetation, water, fish, shellfish and wildlife. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife, and silvicultural management practices.
  - (2) Outdoor recreation, including play and sporting areas, golf courses, field trails, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing, shell fishing and cross-country skiing where otherwise legally permitted and regulated.
- C. All activities in wetlands or watercourses involving filling, excavating, dredging, clear-cutting, grading, excavation, erection of structures 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 60A-6 of these regulations.
- D. To carry out the purposes of this Section, any person proposing to carry out a permitted or non-regulated operation or use of a wetland, watercourse or upland review area that may disturb the natural and indigenous character of the land shall, prior to commencement of such operation or use, notify the Agency on a form provided by it, and provide the Agency with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or non-regulated use of the wetland, watercourse or upland review area. The Agency or its designated agent(s) shall rule that the proposed operation or use is a permitted or a non-regulated use or operation or that a permit is required. Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the Agency following the meeting at which the request was received. The designated agent(s) for the Agency may make such ruling on behalf of the Agency at any time.

## **§ 60A-5.**

### **Activities Regulated by the State.**

- A. Nothing in these regulations shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the City of Norwalk, 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 are the sole responsibility of the applicant.
  
- B. In addition to any permit or approval required by the Agency, the Commissioner of Environmental Protection shall regulate activities in or affecting wetlands or watercourses subject to the following jurisdiction:
  - (1) Construction or modifications of any dam pursuant to Sections 22a-401 through 22a-410 of the Connecticut General Statutes, as amended;
  - (2) Constructions, encroachment or placement of any obstruction within stream channel encroachment lines pursuant to Sections 22a-342 through 22a-349 of the Connecticut General Statutes, as amended;
  - (3) Construction or placement of any structure or obstruction within the tidal, coastal or navigable waters of the State pursuant to Sections 22a-359 through 22a-363 or in designated tidal wetlands pursuant to Sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended;
  - (4) Diversion of water including withdrawals of surface or groundwater in excess of fifty thousand (50,000) gallons per day, or any change in the instantaneous flow of any surface waters of the State where the tributary watershed area above the point of diversion is 100 acres or larger pursuant to Sections 22a-365 through 22a-378 of the Connecticut General Statutes, as amended;
  - (5) Discharges into the waters of the state pursuant to section 22a-430 of the Connecticut General Statutes, as amended;
  - (6) Discharge of fill or dredged material into the wetlands and watercourses of the state pursuant to section 401 of the Federal Clean Water Act, as amended, for activities regulation by the U.S. Army Corps of Engineers under section 404 of the Federal Clean Water Act.
  
- C. 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.
  
- D. 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.

- E. 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 sections 22a-420 or a dam construction permit issued by the Commissioner of Environmental Protection under sections 22a-403 or 22a-41 of the Connecticut General Statutes. Any person receiving such dam repair or removal order or dam construction permit shall not be required to obtain a permit from a municipal wetlands agency for any action necessary to comply with said dam order or to carry out the activities authorized by said dam permit.

**§ 60A-6.**

**Licensing of regulated activities subject to permit**

- A. No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Conservation Commission, Inland Wetland Agency of the City of Norwalk.
- B. Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Agency, or violating any other provision of these regulations or permit issued pursuant thereto, shall be subject to the enforcement proceedings and penalties prescribed in § 60A-14 of these regulations and any other remedies as provided by law.

**§ 60A-7.**

**Application requirements.**

- A. Any person wishing to undertake a regulated activity shall apply for a permit on a form provided by the Agency. An application shall include an application form and such information as prescribed by this section and any other information the Agency may reasonable require. Application forms may be obtained in the office of the Conservation Commission.
  
- B. If an application to the City of Norwalk Planning, Zoning or Planning and Zoning Commission for subdivision or resubdivision of land involves land containing a wetland or watercourse, the applicant shall, in accordance with Section 8-3(g), 8-3c or 8-26, as applicable, of the Connecticut General Statutes, as amended, submit an application for a permit to the Agency in accordance with this section no later than the day the application is filed with such Planning, Zoning or Planning and Zoning Commission.
  
- C. All applications shall contain such information that is necessary for a fair and informed determination of the issues. The Agency, upon request from an applicant, may waive certain application requirements.
  
- D. A prospective applicant may request the Agency to determine whether or not a proposed activity involves a significant regulated activity.
  
- E. All applications shall include the following information, in writing and shall be on a form provided by the Agency:
  - (1) The applicant's name, mailing address and telephone numbers;
  - (2) The land 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.
  - (3) The applicant's interest in the land.
  - (4) A location map identifying the geographical location of the land which is to be affected by the proposed activity,
  - (5) The purposes and description of the proposed activity, and proposed erosion and sedimentation controls and other management practices and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to, measures to :
    - a) Prevent 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;
  - (6) Names and addresses of adjacent land owners as shown in the records of the Tax Assessor, City of Norwalk;
  - (7) The closest point of activity or disturbance to any wetlands or watercourses;

- (8) A site plan, at a scale that provides sufficient detail, showing existing and proposed conditions in relation to wetland 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;
- (9) 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;
- (10) Authorization for the Commissioners and agents of the Agency to inspect the property, at reasonable times, both before and after a permit has been granted;
- (11) All application materials shall be submitted, with the appropriate number of copies as specified on the application form, to comprise a complete application or as is otherwise directed, in writing, by the Agency or its designated agent. The Agency reserves the right to request additional copies of submitted information as needed to properly address the proposal.
- (12) Any other information the applicant deems necessary to the understanding of what the applicant is proposing.
- (13) Any other information the Agency or its designated agent deems necessary for the review and evaluation of the application;
- (14) Submission of the appropriate filing fee based on the fee schedule established in Section 60A-18 of these regulations.

F. An application proposing an activity deemed by the Agency or its designated agent to be a Intermediate or Significant Regulated Activity Permit application shall include the following information, in addition to information specified in Subsections E of this section:

- (1) A map at a scale not exceeding 1" = 40', identifying the geographical location of the property to be affected by the proposed activity, adjacent lands, names of adjacent property owners, adjacent regulated areas, such as upstream and downstream areas as may be identified by the Agency or its designated agent, and other pertinent features including, but not limited to, existing property line survey to a precision of A-2 accuracy, proposed property lines, existing topography to a precision of T-2 accuracy, spot elevations, roads and drives, drainage structures, buildings and their utilities, soil types, stone walls, the limits of inland wetlands, watercourses and all regulated areas, lands protected by private conservation easements, and existing types of vegetation cover. If more than one sheet is required to show the property in its entirety, then an additional Summary Map shall be provided on one sheet;
- (2) The purpose and a description of the proposed activity, proposed erosion and sedimentation controls, 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:

- a) Prevent 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.
- (3) All wetland boundaries on the subject property shall be identified by a Soil Scientist and located in the field and on the map by a licensed surveyor. The soil scientist shall provide a written report and sketch map of all wetlands on the subject property. The soil scientist shall consecutively number the survey tapes or flags that mark boundary lines of all wetlands on the property. Watercourses shall be delineated by a Soil Scientist, geologist, ecologist or other qualified professional and located in the field and on the map by a licensed surveyor;
- (4) Soil sample data to include all areas on the property that lie within, or partially within, an area containing poorly drained, very poorly drained, alluvial and/or floodplain soils. The soil type must be consistent with the categories established by the National Cooperative Soils Study of the United States Soil Conservation Service. A soils report prepared and signed by a soil scientist that includes the name of the applicant and project, the location of and limits of the property, the date(s) and method(s) of the soil investigations, a brief soil description of each soil mapping unit investigated, the set of consecutive numbers used on survey tapes to identify the wetland boundaries appearing on the plan shall be submitted;
- (5) The calculated 1) total area, in square feet (sq.ft.), of wetlands and linear feet of watercourses on the subject property and 2) total area (sq. ft.) of regulated activity that would be disturbed by the proposed activities;
- (6) Alternatives considered by the applicant and why the proposal set forth in the application was chosen. All such alternatives shall be depicted on a site plan or drawing;
- (7) If the proposed activity might affect a watercourse, the applicant shall be required to submit information relative to the present character and the projected impact of the proposed activity upon the watercourse; and
- (8) Measures which mitigate the impact of the proposed activity. Such measures include, but are not limited to, actions that would avoid adverse impacts or lessen impacts to wetlands and watercourses and which could be feasibly carried out by the applicant.
- G. If the Commission determines that the proposed activity involves a Significant Regulated Activity, a Significant Regulated Activity Permit application shall be submitted. A Significant Regulated Activity Permit Application shall include additional information, based on the nature and anticipated effects of the activity, including but not limited to the following, in addition to information specified in Subsections E, F and H of this section:
- (1) Site plans, accurate to the level of an A-2 survey, for the proposed use or operation of the property which will be affected, indicating details of existing and proposed conditions and structures, including drainage and waste treatment structures; wetland, watercourse and upland review area

boundaries; existing and proposed land contours at two (2) foot intervals, or as specified by the Agency; a compass rose indicating true north; boundaries of land ownership; proposed alterations and uses of wetlands, watercourses and upland review areas; significant vegetation, including all trees over six inches diameter at breast height that are within the upland review area; and other pertinent features of the development, drawn by a licensed surveyor, professional land surveyor, engineer, architect or landscape architect registered in the State of Connecticut or in an adjoining state or by such other person acceptable to the Agency are required. All maps shall be stamped and sealed by the licensed professional responsible for their preparation; in the event that hydrologic changes are proposed, such site plan shall be certified by a professional hydrologist.

- (2) Engineering reports and analyses and additional drawings to fully describe the proposed project and any filling, excavation, drainage or hydraulic modifications to wetland or watercourse areas, and the proposed erosion and sedimentation control plan are required.
- (3) Biological evaluation prepared by an ecologist or other qualified professional that provides a description of the ecological communities and functions of the wetlands, watercourses or regulated areas involved with the application. The evaluation should also describe the extent of the presence of plant species commonly associated with swamps, bogs, and marshes. Also, the evaluation should include the probable effect of the proposed activities upon floral and faunal species and upon wetlands, watercourses or regulated areas involved in the application and each alternative. The report shall be signed by the professional responsible for its preparation;
- (4) A description of how the applicant will change, diminish or enhance the ecological communities and functions of the wetlands or watercourses involved in the application and each alternative and a description of why each alternative considered was deemed neither feasible nor prudent.
- (5) Analysis of chemical or physical characteristics of any fill material.
- (6) Map and description that identifies watershed boundaries which influence the subject regulated area and a map and description identifying where the subject area falls within the watershed of the named watercourses of Norwalk shown on U.S.G.S. topographic maps.

H. All applicants shall certify whether:

- (1) Any portion of the property affected by a decision of the Agency is within five hundred (500) feet of the boundary of an adjoining municipality ;
- (2) A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- (3) A significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the sewerage or drainage system within the adjoining municipality; or

- (4) Water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.
- I. Any application to renew or modify an existing permit shall be filed with the Agency in accordance with Section 60A-8 of these regulations at least sixty-five (65) days prior to the expiration date for the permit. Any application to renew or modify such an existing permit shall be made in accordance with this section of the regulations, provided:
- (1) The application shall state the name, address and telephone number of the permit holder, the address or locational description of the property involved, the original permit number and the date of issuance and expiration of the permit;
  - (2) The application may incorporate by reference the documentation and record of the original application;
  - (3) 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.
  - (4) The application shall state the reason why the authorized activities were not initiated or completed within the time specified in the permit;
  - (5) The application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or use of the land for which the permit was issued;
  - (6) Prior to the expiration of a permit, the Agency may accept a late application to extend the expiration date of a permit if the following conditions are met:
    - a) The authorized work is ongoing;
    - b) The public interest or environment is best served by not interrupting the activity;
    - c) The permit is likely to be extended.
  - (7) The Agency shall evaluate an application to extend or modify an existing permit pursuant to Section 60A-10 of these regulations and grant the application as filed, grant it with any terms, conditions, limitations, or modifications, or deny it.
- J. Any application to renew a permit shall be granted upon written request of the permit holder, unless the Agency finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no permit may be valid for more than ten (10) years.
- K. For any permit application involving property subject to a conservation restriction or preservation restriction, the following shall apply:
- (1) For purposes of this section, "conservation restriction" means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of

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

- (2) For purposes of this section, “preservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of 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 preserve historically significant structures or sites.
- (3) No person shall file a permit application, other than for interior work in an existing building or for exterior work that does not expand or alter the footprint of an existing building, relating to property that is subject to a conservation restriction or a preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction not later than sixty days prior to the filing of the permit application.
- (4) In lieu of such notice pursuant to subsection 60A-7K(3), 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.

**§ 60A-8.**  
**Application procedures.**

- A. Prior to the submission of an application, the applicant may meet with the Agency and/or its designated agent to discuss the application requirements and review pre-application plans.
- B. All applications, petitions, requests or appeals shall be submitted to the Conservation Commission office in the City of Norwalk. The application fee shall be paid at the time of filing. A schedule of fees, as established in Section 60A-18 of these regulations, shall be available at the Conservation Commission office.
- C. In the case of any 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 five hundred (500) feet of the boundary of any adjoining 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. Documentation of such notice shall be provided to the Agency.
- D. The Agency shall, in accordance with Connecticut General Statutes sections 8-7b(f) and 22a-42b, as amended, notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which:
  - (1) Any portion of the property affected by a decision of the agency is within five hundred (500) feet of the boundary of the adjoining municipality;
  - (2) A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
  - (3) A significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the sewerage or drainage system within the adjoining municipality; or
  - (4) Water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven (7) days of the date of receipt of the application, petition, appeal, request or plan.

- E. When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland, watercourse or regulated area, any portion of which is within the watershed of a water company, as defined in Section 16-1, as amended, of the Connecticut General Statutes, the applicant shall provide written notice of the application to the water company, provided that such water company has filed a map showing the boundaries of the watershed on the City of Norwalk land records and with the Agency. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of

the date of the application. The water company, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the Agency.

- F. The date of receipt of any application, petition, request or appeal shall be the sooner of:
  - (1) the day of the next regularly scheduled meeting of the Agency, immediately following the day of submission to such Agency or its agent of such application, petition, request or appeal, or
  - (2) thirty-five (35) days after such submission.
- G. At any time during the review period, the applicant shall provide such additional information as the Agency may reasonably require for a complete consideration of the proposal. Requests for additional information shall not stay the time limitations as set forth in Section 60A-11 (Decision Process and Permit) of these regulations.
- H. All applications shall be open for public inspection.
- I. If a public hearing is to be held on an application, the applicant must submit all documentary evidence in support of the application to the Agency no fewer than 10 days prior to the day of the hearing or any reconvening thereof.
- J. Incomplete applications may be denied.

**§ 60A-9.  
Public Hearings.**

- A. The Agency shall not hold a public hearing on applications unless
- (1) the Agency determines that the proposed activity may have a significant impact on wetlands or watercourses, or
  - (2) a petition signed by at least twenty-five persons who are eighteen years of age or older and who reside in the municipality in which the regulated activity is proposed, requesting a hearing is filed with the Agency not later than fourteen days after the receipt of such application, or
  - (3) the Agency finds that a public hearing regarding such application would be in the public interest.

The Agency may issue a permit without a public hearing provided no petition provided for in this subsection is filed with the Agency on or before the fourteenth day after the date of receipt of the application. Such hearing shall be held no later than sixty-five days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing any person or persons may appear and be heard and may be represented by agent or by attorney.

- B. 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 (15) days and not fewer than ten (10) days, and the last not less than two (2) days before the date set for the hearing, in a newspaper having a general circulation in the City.
- C. Notice of the public hearing shall be mailed to the owner(s) of record of adjacent land no less than ten (10) days prior to the date of the hearing. Proof of mailing shall be evidenced by a certificate of mailing. Documentation of such notice shall be provided to the Agency no less than seven (7) days prior to the date of the hearing. [Amended effective 1/1/2008]
- D. In the case of an application which is subject to the notification provisions of § 60A-8(C, D, and E) of these regulations, a public hearing shall not be conducted until the inland wetland agency and the clerk of the adjoining municipality(ies) has received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record.

## **§ 60A-10.**

### **Considerations for decision.**

- A. The Agency shall consider the following in making its decision on an application or otherwise acting pursuant to its authority:
- (1) the application and its supporting documentation, including any requested additional information;
  - (2) public comments, evidence and testimony from a public hearing.
  - (3) reports from other agencies, commissions, consultants and City staff, including but not limited to the City of Norwalk:
    - a) Planning Commission;
    - b) Zoning Commission;
    - c) Town Engineer;
    - d) Department of Health; and
    - e) Building Official.
  - (4) The Agency may also consider comments on any application from
    - a) the Fairfield County Soil and Water Conservation District;
    - b) the Southwest Regional Planning Agency or other regional organizations;
    - c) the Connecticut Department of Environmental Protection;
    - d) the United States Army Corps of Engineers;
    - e) the U.S. Environmental Protection Agency;
    - f) the U.S. Fish and Wildlife Service;
    - g) the USDA – Natural Resources Conservation Service; and
    - h) 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; and
    - i) a professional consultant, including but not limited to soil scientists or wetland scientists, retained by the Agency.
  - (5) Non-receipt of comments from agencies and commissions listed in subsections 60A-10A (3 and 4) above within the prescribed time shall neither delay nor prejudice the decision of the Agency.
- B. Standards and Criteria for Decision.
- In carrying out the purposes and policies of sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing, and enforcing of the provisions thereof, the Agency shall take into consideration all relevant facts and circumstances, including but not limited to:
- (1) the environmental impact of the proposed regulated activity on wetlands or watercourses, including the effects on the capacity for the inland wetland and/or watercourse to support fish and wildlife, to prevent flooding, to supply and protect surface and ground water, to control sediment, to facilitate drainage, to control pollution, to support recreational activities and to promote public health and safety;
  - (2) the applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no

environmental impact to wetlands or watercourses. This consideration should include, but is not limited to, the alternative of requiring actions of a different nature which would provide similar benefits with different environmental impacts, such as using a different location for the activity;

- (3) 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;
- (4) irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including consideration of the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources;
- (5) the character and degree of injury to or interference with safety, health or the reasonable use of property, including abutting, downstream or other property in the vicinity which would be caused or threatened by the proposed regulated activity;
- (6) measures which would mitigate the impact of any aspect of the proposed regulated activity. Mitigation measures which may be considered as a condition of issuing a permit for such activity include but are not limited to, measures to
  - a) Prevent or minimize pollution or other environmental damage,
  - b) Maintain or enhance existing environmental quality, or
  - c) In the following order of priority: 1) restore, 2) enhance, and 3) create productive wetland or watercourse resources.
- (7) appropriate mitigation measures are those 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 ground water, to control sediment, to facilitate drainage, to control pollution, to support recreational activities and to promote public health and safety.

C. In the case of any 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 this section. The finding and the reasons therefore shall be stated on the record in writing.

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

- E. For the purposes of this section, (1) “wetlands or watercourses” includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (2) “habitats” means areas or environments in which an organism or biological population normally lives or occurs.
- F. The Agency shall not deny or condition an application for a regulated activity in an area outside a wetland or watercourse 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 wetland or watercourse.
- G. In reaching its decision on any application after a public hearing, the Agency shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Agency in its decision. A conclusion that a feasible and prudent alternative does not exist does not create a presumption that a permit should be issued. The applicant has the burden of demonstrating that his application is consistent with the purposes and policies of these regulations and Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes.
- H. In case of an application where the applicant has provided written notice pursuant to subsection 60A-7K(3) of these regulations, the holder of the restriction may provide proof to the inland wetlands agency that granting of the permit application will violate the terms of the restriction. Upon a finding that the requested land use violates the terms of such restriction, the inland wetlands agency shall not grant the permit approval.
- I. In the case of an application where the applicant fails to comply with the provisions of subsections 60A-7K(3) or 60A-7K(4) of these regulations, the party holding the conservation or preservation restriction may, not later than fifteen days after receipt of actual notice of permit approval, file an appeal with the inland wetland agency, subject to the rules and regulations of such agency relating to appeals. The inland wetlands agency shall reverse the permit approval upon finding that the requested land use violates the terms of such restriction.

**§ 60A-11.**  
**Decision Process and Permit.**

- A. The Agency or its duly authorized agent acting pursuant to Section 60A-12 of these regulations, may, in accordance with Section 60A-10 of these regulations, grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity designed to carry out the purposes and policies of the Act, or deny the application. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would:
- (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.
- B. A public hearing may be held no later than sixty-five (65) days after receipt of an application. At such hearing any person or persons may appear and be heard and may be represented by agent or attorney. The hearing shall be completed within thirty-five (35) days of its commencement. Action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this subdivision, 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 subdivision, or any extension thereof, shall not be deemed to constitute approval of the application.
- C. The Agency shall state upon its record the reasons and basis for its decision and, in the case of any public hearing, such decision shall be based fully on the record of such hearing and shall be in writing and shall, as applicable and in accordance with section 60A-10 of these regulations, incorporate a statement relative to the consideration of feasible and prudent alternatives.
- D. 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. 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 City. The applicant shall bear the cost of such publication of notice. In any case in which such notice is not published within such fifteen (15) day period, the applicant may provide for the publication of such notice within ten (10) days thereafter.
- E. If an activity authorized by the inland wetland permit also involves an activity which requires a zoning or subdivision approval, special zoning permit, or variance or special exception, under sections 8-3(g), 8-3c, or 8-26 of the

Connecticut General Statutes, as amended, a copy of the decision and report on the application shall be filed with the City of Norwalk Planning, Zoning, Planning & Zoning Commission or Zoning Board of Appeals within fifteen (15) days of the date of decision thereon.

- F. Any permit issued by the Agency for the development of property for which an approval is required under Section 8-3, 8-25 or 8-26 of the Connecticut General Statutes shall be valid for five years, provided that the Agency may establish a specific time period within which any regulated activity shall be conducted. Any permit issued under this section for any other activity shall be valid for not less than two years and not more than five years.
- G. No permit shall be assigned, transferred, sublet or sold without the written permission of the Agency.
- H. If a bond or insurance is required in accordance with §60A-13 of these regulations, no activity pursuant to a permit shall proceed until such bond or insurance is provided.
- I. General provisions in the issuance of all permits:
  - (1) The Agency has relied in whole or in part on information provided by the applicant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked.
  - (2) All permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Agency or the City of Norwalk, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state and municipal laws or regulations pertinent to the subject property or activity.
  - (3) If the activity authorized by the inland wetland permit also involves an activity or a project which requires zoning or subdivision approval, special permit, variance or special exception under sections 8-3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit may begin until such approval is obtained.
  - (4) In constructing the authorized activities, the permittee shall implement all necessary management practices, consistent with the terms and conditions of the permit, to control stormwater discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.
  - (5) Permits are not transferable without the prior written consent of the Agency or its designated agent.

## **§ 60A-12**

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

- A. The Agency may delegate to its duly authorized agent the authority to approve or extend an activity that is not located in a wetland or watercourse when such agent finds that conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses and that the proposed regulated activity is considered to be a "Minor Regulated Activity."
- (1) The designated agent shall complete the comprehensive training program developed by the Commissioner of Environmental Protection pursuant to Section 22a-39 of the Connecticut General Statutes, as amended, prior to issuing permits for Minor Regulated Activities.
  - (2) Requests for such approval shall be made on a form provided by the Agency and shall contain the information listed under Section 60A-7 of these regulations and any other information the Agency may reasonably require.
  - (3) Notwithstanding the provisions for receipt and processing applications prescribed in sections 60A-8, 9, and 11 of these regulations, the Designated Agent may approve or extend such activity at any time.
- B. Within ten (10) days of the date of such approval, the Agency shall publish, at the applicant's expense, notice of the approval in a newspaper having a general circulation in the City. Any person may appeal such decision of such agent to the Agency within fifteen (15) days after the publication date of the notice and the Agency shall consider such appeal at its next regularly scheduled meeting provided that such meeting is no earlier than three business days after receipt by such Agency or its agent of such appeal. Any person may appear and be heard at the meeting held by the Agency to consider the subject appeal. The Agency shall, at its discretion, sustain, alter or reject the decision of its agent or require an application for a permit in accordance with § 60A-7 of these regulations.

## **§ 60A-13**

### **Bond and insurance.**

- A. Upon the issuance of a permit and prior to the initiation of any on-site permit related activity, the applicant may, at the discretion of the Agency, be required to file a bond with such surety and in such an amount and form approved by the Agency. The amount of the bond shall be based on an estimate of the costs of proposed mitigation and/or improvements within the regulated area or the applicant may be required to provide an itemized estimate of the costs of proposed mitigation and/or improvements within the regulated area to enable the Agency to determine the amount of the bond. The Agency reserves the right to seek additional expert opinion regarding the estimated costs of improvements.
- B. Bonds shall be in the form of a cash deposit to be made payable to the City of Norwalk, unless otherwise approved by the Agency.
- C. The release or reduction of the bond shall be conditioned on compliance with all provisions of these regulations and the terms, conditions and limitations established in the permit.
- D. Release or reduction of any bond monies will require, at a minimum, a letter to the Agency affirming completion of the approved project. The bond shall remain in full force and effect until such time as the Agency makes a formal finding that the work to be accomplished as required by the permit has been satisfactorily completed.
- E. In requiring a bond, the Agency reserves the right to use all or portions of the posted bond to respond to emergencies associated with the protection of regulated areas or implement conditions of the permit as specified in the permit resolution. If the Agency makes a finding that the work has not been accomplished as required by the permit, the bond shall be forfeited in its entirety and the funds shall be paid over to the City of Norwalk. In such situations, other than emergencies, the Agency shall notify the applicant of its intent to use the bond ten (10) days prior.
- F. The Agency may require the applicant to certify that it has public insurance against liability which might result from the proposed operation or use of the wetlands or watercourses covering any and all damage which might occur within two (2) years of completion of such operations, in an amount commensurate with the regulated activity.

## **§ 60A-14 Enforcement.**

- A. The Agency may appoint an agent or agents to act on its behalf with the authority to inspect property, except a private residence, and issue notices of violation or cease-and-desist orders and carry out other actions or investigations necessary for the enforcement of these regulations.
- B. The Agency or its agent may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued under these regulations.
- C. The Agency shall be authorized to seek such necessary court orders as will permit it to inspect land whereon the Agency has probable cause to believe that a regulated activity is in progress and for which no application has been filed.
- D. If the Agency or its designated agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Inland Wetlands and Watercourses Act or these regulations or of any permit issued pursuant to these regulations, the Agency or its duly authorized agent may:
  - (1) Issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Agency, and prescribing the necessary action and steps to correct the violation, including, without limitation, halting work in wetlands or watercourses. The Agency may request that the individual appear at the next regularly scheduled meeting of the Agency to discuss the unauthorized activity and/or provide a written reply to the notice and/or file a proper application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in subdivision 60A-14D(2) or other enforcement proceedings as provided by law.
  - (2) 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 10 calendar days of the issuance of such order the Agency shall hold a hearing to provide the person(s) 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 10 days of the completion of the hearing, notify the person by certified mail, return receipt requested, 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 City. 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 Connecticut General Statutes, as amended.

- (3) Suspension or revocation of permit.
  - (a) Suspend or revoke a permit if the Agency finds that:
    - [1] The permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application, including application plans;
    - [2] The activity for which it has granted a permit has had a more severe impact or effect on the inland wetland or watercourses than was projected by the applicant or does not, in fact, involve a permitted use; or
    - [3] The applicant or its agents have failed to provide correct information in an application for an activity for which a permit has been issued.
  - (b) 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 which warrant the intended action. The Agency shall hold a hearing to provide the permittee an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit.
  - (c) The permittee shall be notified of the Agency's decision to suspend, revoke or maintain a permit by certified mail, return receipt requested, within 15 days of the date of its decision.
  - (d) The Agency shall publish notice of the suspension or revocation in a newspaper having general circulation in the City.
- (4) Record a certificate or notice of an order on Norwalk Land Records at the Town Clerk Office of the City of Norwalk. The certificate shall be released upon compliance with the order.

E. Failure to follow the written directives of the Commission shall constitute a violation of these regulations.

## **§ 60A-15 Amendments.**

- A. These regulations and the Inland Wetlands and Watercourses Map for the City of Norwalk may be amended, from time to time, by the Agency in accordance with changes in the Connecticut General Statutes or regulations of the Connecticut Department of Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available.
  
- B. An application filed with the Agency which is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetlands 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 to (1) 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.
  
- C. These regulations and the City of Norwalk 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 map amendments, at least 35 days before the public hearing on their adoption.
  
- D. Petitions requesting changes or amendments to the Inland Wetlands and Watercourses Map, Norwalk, Connecticut, shall contain at least the following information:
  - (1) the petitioner's name, address and telephone number;
  - (2) the address of the land affected by the petition;
  - (3) the petitioner's interest in the land affected by the petition;
  - (4) map(s) showing the geographic location of the land affected by the petition and the existing and the proposed wetland(s) and watercourses boundaries on such land in accurate detail, together with the documentation supporting such proposed boundary locations; and
  - (5) the reasons for the requested action.
  
- E. Any person who submits a petition to amend the Inland Wetlands and Watercourses Map, Norwalk, Connecticut, shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to,

professional interpretation of aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the Agency. If such person is the owner, developer or contract purchaser of the land which is the subject of the petition, or if such person is representing the interests of such an owner, developer or purchaser, in addition to the information required in subsection D of this section, the petition shall include:

- (1) the name, address and telephone number of the owner(s) of such land and the owner's or owners' agent or other representative;
- (2) the names and mailing addresses of the owners of abutting land;
- (3) documentation by a soil scientist of the distribution of wetland soils on said land. Such documentation shall, at a minimum, include the report of the soil scientist documenting the location of wetland soils on the land and a map of said land indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types; and
- (4) map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.

- F. Watercourses shall be delineated by a soil scientist, geologist, ecologist or other qualified individual.
- G. A public hearing shall be held on petitions to amend the regulations and the Inland Wetlands and Watercourses Map. Notice of the hearing shall be published in a newspaper having general circulation in the City at least twice at intervals of not less than two days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two days before the date set for the hearing. A copy of such proposed boundary change shall be filed in the office of the Clerk for public inspection at least 10 days before such hearing.
- H. The date of receipt of such a petition shall be the day of the next regularly scheduled meeting of the Agency immediately following the day of submission to such Agency or its agent of such petition or thirty-five (35) days after such submission, whichever is sooner. Within sixty-five (65) days after receipt of such petition, the Agency shall hold a public hearing to consider the petition. The hearing shall be completed within thirty-five (35) days after commencement. The Agency shall act upon the changes requested in such petition within sixty-five (65) days after completion of such hearing. At such hearing, any person or persons may appear and be heard and may be represented by agent or attorney. The petitioner may consent to one or more extensions of any period specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five (65) days or may withdraw such petition. 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 petition.
- I. The Agency shall make its decision and state, in writing, the reasons why the change in the Inland Wetlands and Watercourses Map was made.

**§ 60A-16**  
**Appeals.**

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

## **§ 60A-17**

### **Conflict and Severance.**

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

**§ 60A-18**  
**Application fees.**

- A. Method of payment. All fees required by these regulations shall be submitted to the Agency by cash, check or money order, payable to the City of Norwalk, at the time the application is filed with the Agency.
- B. No application shall be granted or approved by the Agency unless the correct application fee is paid in full or unless a waiver has been granted by the Agency pursuant to Subsection F of this section.
- C. The application fee is not refundable.
- D. Definitions. As used in this section:
  - (1) "Corrective Action" means a permit application required to authorize activities necessary to rectify a violation of the Inland Wetland and Watercourses Regulations of the City.
- E. Fee Schedule. Application fees shall be based on the following schedule:

**Permit Application Base Fees**

*\*A State Land Use Fee of \$60 has been added to all the base permit fees*

Minor Permit Application	\$230 base fee
Intermediate Permit Application	\$510 base fee
Significant Permit Application	\$1360 base fee
Corrective Action Minor Permit	\$500 base fee
Corrective Action Intermediate Permit	\$810 base fee
Corrective Action Significant Permit	\$1810 base fee

**Administrative Fees**

Legal Notice Fee	\$90
<i>*Will be added to all permit application base fees</i>	
Certificate of Compliance Inspection Fee	\$75
<i>* If a Certificate of Occupancy is needed, this fee will be added to the permit application base fee</i>	
Review of Permitted Activities & Non-Regulated uses issued under §60A-4	\$25
Permit Extensions	Equal to the original application fee
Permit Modifications or Transfers	½ the original application fee for Commission review \$100 for staff review
Permit Modifications resulting from Enforcement Action	Twice (2x) the original application fee

Petition to amend the IWW Map or Regulations	\$400
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***In addition to the base fee, the following activity fees are applicable:***

Construction of new single family or duplex residence	\$400 per building
Construction of new multi-family residence building(s)	\$400 plus \$150 per unit (units 3-10) and \$20 per unit (units 11 & over)
Construction of new non-residential building or addition	\$200 per 2000 SF of building area
Subdivision Plans	\$200 per lot
Conservation Development Plans & Construction	\$200 per unit

***Documents***

Wetland & Watercourses Regulations	\$15
Designated Inland Wetland & Watercourses Map	\$20
Customized GIS Inland Wetland & Watercourses Map	\$15
<i>* Includes Tax map, wetlands, watercourses, associated upland review areas and building outlines</i>	
Photocopies	\$0.50

F. In addition to the fees described in subsection E above, upon receipt of an application the Agent or Agency may require the additional technical assistance of outside consultants in evaluating an application if the Agent of Agency finds that City 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 City staff. For the purpose of this fee schedule, an 'outside consultant' means a professional who is not an employee of the City, including but not limited to engineering, environmental, hydrogeology, legal and wetland professionals.

The expense of such outside consultants for additional technical assistance shall be estimated by the Agent or Agency. The estimated cost of reviewing and evaluating the application times one hundred-fifty percent (150%) shall be paid by the applicant and deposited with the Agency or its designated agent. This estimate, together with the appropriate application fee given above, shall be paid forthwith, and the application shall be deemed incomplete until the aforementioned 150% estimate and appropriate application fees have been remitted in full.

Upon completion of the review, evaluation and processing of the application by the Commission, the City shall determine the costs incurred for the review and

evaluation and refund the excess monies to the applicant. Applicants shall not be responsible for costs incurred for technical assistance which exceed one hundred-fifty (150%) of the Agent's or Agency's estimate.

- G. Exemption. Boards, commissions, councils and departments of the City of Norwalk are exempt from all fee requirements.
- H. Waiver. The applicant may petition the Agency to waive, reduce or allow delayed payment of the fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Agency should consider in its determination under this subsection. The Agency may waive all or part of the application fee if the Agency determines that:
  - (a) The activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee; or
  - (b) The amount of the application fee is clearly excessive in relation to the cost to the city for reviewing and processing the application.

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

**§ 60A-19**

**Records retention and disposition.**

- A. The Agency and the Town Clerk for the City of Norwalk shall retain complete administrative records of Agency actions and dispose of such records in accordance with the retention/disposition schedules set forth by the public records administrator of the Connecticut State Library.

**§ 60A-20**

**Effective date of regulations.**

- A. These regulations shall become effective upon filing in the Office of the City Clerk and publication of a notice of such filing in a newspaper having general circulation in the City of Norwalk.