



Inland Wetlands and Watercourses Regulations
of the
CITY OF STAMFORD

ENVIRONMENTAL PROTECTION BOARD

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Adopted May 5, 1975 and amended through insert date of Board of Representatives approval

Approved by the Stamford Board of Representatives, ~~April 6, 2010~~
pursuant to Chapter 6, Article V, Section 6-24 C. of the Stamford Code.

~~Originally Adopted May 5, 1975 with subsequent amendments.~~

June 30, 1974 - June 30, ~~2009~~2024
35 50 Years of Protecting Stamford's Environment and Quality of Life

[Sections moved around, renamed, etc. to conform to 2006 Model Regs]

Inland Wetlands & Watercourses Regulations of the City of Stamford

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[This section of the current regs included a lot of creative writing and mixing of language from various sections of the 2006 Model Regs. There is no record of where the “finding” noted in 1.3 or the “no net loss policy” in 1.3.c. came from, so these were deleted. Started with Section 1 of the Model Regs and incorporated the non-strikethrough text from the current regs where appropriate.]

SECTION 1 • TITLE, AUTHORITY, AND PURPOSE

1.1 Title: These Regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the City of Stamford" (the "Regulations").

1.2 a)

Authority: The Environmental Protection Board (EPB) was established by Ordinance No. 286 Supplemental, effective June 30, 1974, and codified as Chapter 6 Article V et seq. of the Stamford Code. The EPB is authorized therein to exercise the powers and perform the duties of 1) a municipal Inland Wetlands and Watercourses Agency to enforce the Inland Wetlands and Watercourses Act pursuant to Chapter 440 of the Connecticut General Statutes sec. 22a-36 et seq., as may be amended from time to time; 2) a municipal Flood and Erosion Control Board pursuant to Chapter 25 of the Connecticut General Statutes sec. 24-84 et seq., Pur as may be amended from time to time; and 3) a municipal Conservation Commission pursuant to Chapter 97 of the Connecticut General Statutes, sec. 17-131(a) et seq. as may be amended from time to time.

b) ~~These regulations have been prepared by the Environmental Protection Board (EPB) pursuant to Chapter 440 of the Connecticut General Statutes, Sec. 22a-42 as amended.~~

1.3 ~~It is the finding of the Environmental Protection Board that:~~

a)

Purpose: ~~The Inland Wetlands and Watercourses of the State of Connecticut constitute an indispensable and irreplaceable natural resource. They are, along with ground water and adjoining lands, part of an interrelated web of nature essential to an adequate supply of clean and healthful surface and underground water; to the recharging and purification of ground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of ground water; to the stability of streambanks and floodplains; to the mitigation of climate change through the capture and sequestration of carbon dioxide and other greenhouse gases; to the aesthetic and recreational values of open spaces; and to the existence of many forms of animal, aquatic, and plant life.~~

b)

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 a significant, adverse impact on the environment and ecology of the State of Connecticut and has imperiled the quality of the environment, thus adversely affecting the ecological, scenic, historic, and recreational values and benefits of the state for its citizens.

The preservation and protection of 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 providing an orderly process in which the rights of a landowner can be placed in balance with the need to protect crucial public resources. The conservation, preservation, protection, and maintenance of the remaining reservoir of wetland and water resources is in the public interest, for these

resources are clearly essential to the health, welfare, and safety of the state's inhabitants and significantly contribute to the quality of life within the community.

It is, therefore, the purpose of these regulations to protect the public by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the state's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

- e) ~~In the furtherance of the foregoing goals the Environmental Protection Board hereby adopts a "no net loss policy for all wetlands and watercourses." In furtherance of the no net loss policy, the EPB may require wetland mitigation that may include Avoidance by evaluating alternative development designs and sites; Minimization by implementing special design features and construction practices so that impacts to wetlands can be minimized; and Compensation by offsetting remaining wetland losses through measures to, in the following order of priority, enhance and create productive wetland or watercourse resources either onsite or offsite.~~

- 1.4 These regulations have been adopted and may be amended from time to time in accordance with the provisions of the State of Connecticut Inland Wetlands and Watercourses Act, City of Stamford Charter and Code of Ordinances, and these Regulations.

~~Pursuant to the authority granted in 1.2, the Environmental Protection Board shall issue, issue with modifications, and deny permits for all regulated activities within the City.~~

- 1.5 The Environmental Protection Board shall enforce the Inland Wetlands and Watercourses Act and shall issue, issue with terms, conditions, limitations, or modifications, and deny permits for all regulated activities within the City of Stamford pursuant to sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.

SECTION 2 - DEFINITIONS

[deleted all subsection numbers]

As used in these Regulations:

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

"Agency" means the Environmental Protection Board (EPB) of the City of Stamford.
(~~The EPB~~)

~~"Agent" means one who acts for or as a representative of another.~~ with respect to the EPB means the professional staff employed by the City of Stamford to administer the application, permitting, compliance, and enforcement process for the EPB and to advise the EPB on technical matters. "Duly Authorized Agent" means an individual designated by the EPB to carry out its functions and purposes as detailed in Sections 12 and 14 of these Regulations. With respect to the applicant, agent means any person authorized in writing to act on the applicant's behalf.

"Application Checklist" means the administrative guide to the documents and information required as part of all applications to conduct regulated activities.

"Best Management Practice" ~~mean structures and procedures~~ a practice, procedure, activity, structure, or facility designed to minimize the impacts of development on wetlands and watercourses. Such management practices include, but are not limited to, erosion and sedimentation controls, restrictions on land use and development, construction setbacks from wetlands and 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.

"Board" means the Environmental Protection Board (EPB) of the City of Stamford.

~~"Board Members" means the five regular and three alternate members comprising the Environmental Protection Board.~~

"Bogs" are watercourses distinguished by evergreen trees and shrubs underlain by peat deposits, poor or very poor drainage, and highly acidic conditions. ~~means a poorly drained acidic area containing an accumulation of organic material, and is characterized by an association of plants recognized as bog species as listed in the booklet, Inland Wetland Plants of Connecticut, William A. Niering and R.H. Goodwin, Connecticut Arboretum for the Connecticut Department of Environmental Protection. (May 1973)~~

"Buffers" are naturally vegetated upland areas adjacent to the edge of wetlands and watercourses that help to protect water quality and wetland/watercourse functions by filtering pollutants, controlling erosion, attenuating floods, moderating temperatures, and providing habitat values.

"C.G.S." means the Connecticut General Statutes.

"City" means the City of Stamford, Connecticut.

"Clear Cutting" means the harvest of timber in a fashion that removes all trees of a size greater than a two-inch diameter at breast height (dbh).

"Commissioner" means the Commissioner of the State of Connecticut Department of Energy and Environmental Protection of the State of Connecticut (DEP). (DEEP), unless specifically identified otherwise.

"Days" are means calendar days, ~~except as otherwise noted.~~

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

2.11 — ~~"Department" means the Department of Environmental Protection of the State of Connecticut (DEP).~~

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

2.12 — ~~"Disturbing the natural or indigenous character of the land" means any activity that disturbs or alters an inland wetland or watercourse by reason of depositing or removing of material, altering or obstructing water flow, changing the character of the vegetation through cutting or clearing, or causing pollution.~~

2.13 ~~"Erosion" means the process of wearing away and removal of the earth's surface natural agents including weather, running water, waves, currents, ice, or wind.~~

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

"Farming" ~~shall be consistent with the definition as noted in Section 1-1(q) of the Connecticut General Statutes means the use of land for the growing of crops, raising of livestock, or other agricultural use and the associated activities necessary and indispensable to sustain agricultural uses on a farm.~~

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

~~"Floodplain" means the area bordering a watercourse subject to flooding.~~

~~"Groundwater" means beneath the earth's surface between saturated soil and rock that supplies wells and springs.~~

"Intermittent watercourses" are delineated by a defined permanent channel and bank, and the occurrence of at least two 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/or (c) the presence of hydrophytic vegetation.

~~"Leaching" means the action of a liquid percolating through some material and carrying with it the soluble constituents. (See Section 2.22 "Material")~~

"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 C.G.S. sections 22a-36 to 22a-45, inclusive.

"Marsh" means a watercourse that is 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. ~~means an area normally covered with shallow water, subject to seasonal variations, that contains an association of herbaceous, soft-stemmed plants recognized as marsh vegetation. Typical examples of marsh species are listed in the booklet, Inland Wetland Plants of Connecticut, William A. Niering and R.H. Goodwin, Connecticut Arboretum for the Connecticut Department of Environmental Protection. (May 1973)~~

"Material" means any substance, solid or liquid, organic or inorganic, including but not limited to soil, sediment, aggregate, gravel, clay, peat, muck, mud, sand, land, refuse, or waste.

~~"Official Map" means the designated Inland Wetlands and Watercourses map of the City of Stamford as may be amended by the Board, a copy of which is on file with the Town and City Clerk and at the offices of the Environmental Protection Board.~~

~~"Open Space" means undeveloped natural areas set aside for permanent conservation purposes.~~

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

~~"Permit" see License.~~ means the whole or any part of any license, certificate or approval or similar form of permission that may be required of any person by the provisions of these Regulations or C.G.S. sections 22a-36 through 22a-45a, inclusive.

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

~~"Person" means any person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporations, government agencies or subdivisions thereof except state and federal agencies subject to DEP control.~~

"Pollution" means harmful thermal effect or the contamination or rendering unclean or impure of any regulated area wetland or watercourse of the City 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 into contact with any waters wetlands or watercourses. This includes, but is not limited to, sedimentation resulting from any filling, land clearing, or excavation activity. (See Section 2.30 "Regulated Area").

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

"Regulated Activity" means any operation, activity, within or use within or having an effect upon a regulated area of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration, or pollution of any regulated area such wetland or watercourse, except as otherwise indicated in Section 3 of these Regulations. but shall not include the activities specified in Section 4 of these Regulations. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing, or removing of material and discharging of storm water on the land within the following upland review areas is a regulated activity:

- a. Within 25 50 feet measured horizontally from the boundary of any wetland or watercourse not located within a public water supply watershed;
- b. Within 50 feet measured horizontally from the boundary of any wetland located within a public water supply watershed;
- c. Within 100 feet measured horizontally from any watercourse located within a public water supply watershed.

The Board 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.

~~"Regulated Area" means any geographical area of the City of Stamford consisting of:~~

- ~~a) Inland wetlands or watercourses;~~
- ~~b) 100-year floodplains or Special Flood Hazard Areas determined in the Flood Insurance Study, City of Stamford, Connecticut, prepared by FEMA, Office of Federal Insurance and Hazard Mitigation including any update amendment or modification, and/or shown on the official Flood Insurance Rate Maps of the City of Stamford;~~
- ~~c) Open Space and/or conservation easement areas as designated on Stamford land records;~~
- ~~d) Any geographical area where activity thereon may disturb the natural and indigenous character of wetlands, watercourses, floodplains, designated open spaces, and/or conservation easement areas or impact the purity of groundwater supplies.~~
- ~~e) Also included is any geographical area designated as a "Setback" or "Upland Review Area" pursuant to Section 2.34 of these Regulations.~~

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

~~"Rendering unclean or impure" means any alteration of the physical, chemical, or biological properties of any wetland or watercourse of the City as defined herein, leading to an adverse effect on any regulated area including but not limited to change in color, odor, turbidity, taste, or capacity to sustain biological life.~~

~~"Resource" means any riparian waters of the state and associated fisheries and wildlife habitat and adjacent shorelands, both developed and undeveloped; any vegetation, fish and other wildlife; endangered and threatened species, species of special concern, and essential habitat as identified by the Commissioner pursuant to Chapter 495 of the General Statutes; scenic areas; forest lands; agricultural lands; and archaeological and other historical resources.~~

~~"Setback" or "Upland Review Area" is that area immediately adjoining wetlands and watercourses that may be necessary to provide protection from the adverse impacts of unregulated land uses. The minimum setback is 25 feet for lands not within a public water supply watershed, 50 feet for lands within public supply watersheds, and 100 feet from the edge of lakes, ponds and streams within public water supply watersheds.~~

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

- a. Any activity involving the deposition or repositioning removal of material that will or may have a substantial adverse effect on the wetland or watercourse or on wetlands or watercourses outside the area for which the activity is proposed. any regulated area as defined in Section 2.30 or on identified resources within any regulated area, or on any-

~~other part of the inland wetland and watercourse system whether or not such activity takes place in a regulated area as defined in Section 2.30 of these regulations; or~~

~~Any activity involving the removal of material that will have a substantial adverse effect on the regulated area as defined in Section 2.30 or on another part of the inland wetland and watercourse system; or~~

b. Any activity which substantially changing changes the natural channel of a watercourse or the limits and/or form of an inland wetland whether or not such activity takes place in a regulated area as defined in Section 2.30 of these regulations; or or may inhibit the natural dynamics of a watercourse system.

c. Any activity which substantially diminishing diminishes the natural capacity of an inland wetland or watercourse to support aquatic plant or animal life and habitats, a watercourse or an inland wetland to support desirable biological life, sustain identified resources, prevent flooding, supply water, assimilate waste, facilitate drainage, and provide recreation and or open space, or perform other functions. Whether or not such activity takes place in a regulated area as defined in Section 2.30 of these regulations; or

~~Any activity that results in degrading the surface or ground water, or an inland wetland or watercourse, such degradation to be measured according to the "Water Quality Standards" adopted by the Connecticut Department of Environmental Protection, February 1987, and any subsequent amendments thereto.~~

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

e. Any activity which causes substantial diminution of flow of a natural watercourse or groundwater levels of the wetland or watercourse.

f. Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse.

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

"Soil Scientist" means an individual duly qualified in accordance with the standards set by the federal Office of Personnel Management (formerly the U.S. Civil Service Commission).

"Special Flood Hazard Area" means land in the floodplain subject to a one percent or greater chance of flooding in any one year (100-year Floodplain). Special Flood Hazard Areas are determined utilizing the base flood elevations as provided in the Flood Insurance Study for the City of Stamford and all amendments. Special Flood Hazard Areas include, but are not necessarily limited to the lands shown as Zones A, A1-30, AO, and AH on the City of Stamford's Flood Insurance Rate Map. Special Flood Hazard Areas also include any contiguous area where the land Surface elevation is lower than the base flood elevations shown in the Flood Insurance Study.

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

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

~~means an area with a water table at or near the surface of the ground throughout the year and containing vegetation dominated by an association of trees and/or shrubs recognized as swamp species. Typical examples of swamp species are listed in the booklet, Inland Wetland Plants of Connecticut. William A. Niering and R.H. Goodwin, Connecticut Arboretum for the Connecticut Department of Environmental Protection. (May 1973)~~

~~"The Act" means Section 22a-36 to 45, inclusive, of the Connecticut General Statutes as amended.~~

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

"Water Dependent Use" means a use that, by its nature or function, requires direct access to, or location in or immediately adjacent to, water and that therefore cannot be located upland. Such use may include recreational uses as riparian trails providing access for fishing and access for the launching of watercraft.

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

"Wetlands" means land, including submerged land, as defined in this section, not regulated pursuant to C.G.S. sections 22a-28 through 22a-35, inclusive, ~~of the Connecticut General Statutes 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 may be amended from time-to-time, of the ~~Soil Conservation Service~~ Natural Resources Conservation Service of the United States Department of Agriculture. Such areas may include filled, graded, or excavated sites that possess an aquic (saturated) soil-moisture regime as defined by the USDA National Cooperative Soil Survey.

~~SECTION III PERMITTED OPERATIONS AND NONREGULATED USES~~

~~3.1 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; agricultural exemptions are limited to uses essential to farming operations, but are specifically not to include:
 - ~~1) erection of buildings not directly related to farming operations;~~
 - ~~2) relocation of watercourses with continual flow;~~
 - ~~3) filling or reclamation of wetlands or watercourses with continual flow;~~
 - ~~4) clear cutting of timber except for the expansion of agricultural crop land;~~
 - ~~5) mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;~~~~

- ~~b) A residential home for which a building permit has been issued provided the permit has been issued before July 1, 1987.~~
- ~~c) Boat anchorage or mooring;~~
- ~~d) Uses incidental for the enjoyment and maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot size permitted anywhere in the City. 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, significant cutting of trees or alteration of vegetation/habitat types resulting in a change to the indigenous character and functioning of the wetland or watercourse, or diversion or alteration of a watercourse.~~
- ~~e) Construction and operation by water companies as defined in Section 16-1 of the Connecticut General Statutes or by municipal water supply systems provided for in Chapter 102 of the Connecticut General Statutes, Sections 7-234 through 7-244 inclusive of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in Sections 22a-401 and 22a-403 of the Connecticut General Statutes as may be amended from time to time.~~

~~3.2 To carry out the purposes of Section 3.1, any person proposing a permitted operation and use shall, prior to commencement of such operation and use, notify the Board on a form provided by it, and provide the Board with sufficient information to enable it to properly determine that the proposed operation and use is a permitted use of a wetland or watercourse. The Board shall rule that the proposed operation and use or portion of it is a permitted operation and use or that the proposed operation and use is a regulated activity and a permit is required.~~

~~3.3 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 or function of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:~~

- ~~a) Conservation of soil, vegetation, water, fish, shellfish, and wildlife. Activities conducted by, or under the authority of, the Department of Environmental Protection or the United States Army Corps of Engineers for the purposes of wetland and watercourse restoration or enhancement or mosquito control.~~
- ~~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, target shooting, fishing and shell fishing where otherwise legally permitted and regulated.~~

~~3.4 The Board or its designated Agent must issue a Letter of Permission before any activity listed in Section 3.3 above can be undertaken.~~

~~SECTION XIV - INVENTORY OF REGULATED AREAS~~

~~14.1 Regulated Areas as defined in the Act shall be shown on the Official Inland Wetlands and Watercourses Map. It is understood that all regulated areas are not shown. The Board and any applicant may use such map as a guide in determining whether the applicant's property is a regulated area. The Board shall rely specifically upon the definitions contained in Section 2 of these Regulations in determining whether or not an applicant's property~~

~~contains Regulated Areas.~~

- ~~14.2 The Board and/or its designated agent shall monitor and maintain general surveillance of the regulated areas within the City to ensure that no unauthorized regulated activities occur.~~
- ~~14.3 The Board shall continually inventory inland wetlands and watercourses and update the official map delineating said wetlands and watercourses to be regulated. Information presented as part of any application may be used by the Board in establishing wetland boundaries for individual properties, and such information will be kept on file and made available upon request.~~

Section 3

Inventory of Inland Wetlands and Watercourses

[moved from Section XIV and adjusted to conform to Model Regs]

- 3.1 The map entitled “General Wetland Map, City of Stamford, Connecticut” (hereinafter “Map”) indicates the general location and boundaries of inland wetlands and the general location of watercourses. This map is available for inspection at the EPB office. In all cases, the precise location of wetlands and watercourses shall be determined by the actual character of the land, the distribution of wetland soil types, and the location of watercourses. In the absence of site-specific delineations of wetland soils and watercourses, the Board may use aerial photography, Geographic Information System data, remote sensing imagery, resource mapping, soils maps, site inspection observations, its records, or other information in determining the location of the boundaries of wetlands and watercourses.
- 3.2 The EPBd shall maintain a current inventory of wetlands and watercourses within the City, and may amend its Map and records as more accurate information become available.
- 3.3 Any person may petition the Board for an amendment to the Map as outlined in Section 15 of these regulations. 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 on-site soils delineation by a certified soil scientist.
- 3.4 All amendments of the Map are subject to the public hearing process outlined in Section 9 of these regulations.

[This section is completely mixed up with all or parts of Model Reg sections 5, 6, 15, plus emergencies, which CT DEEP says we can’t handle like this. Also contains a thing about floodplains that shouldn’t be here at all]

~~SECTION IV – PERMITTING OF REGULATED ACTIVITIES~~

- 4.1 ~~Subject to the provisions of Section 3 hereof, no person shall henceforth after July 1, 1974 conduct a regulated activity in a regulated area of the City of Stamford without first obtaining a permit for such activity from the Board. [covered in 6.1]~~
- 4.2 ~~For the purposes of inland wetland and watercourses control the following activities shall be regulated solely by the Commissioner: [this subsection is now new Section 5 and conforms to Model Regs]~~
 - a) ~~Construction and modification of any dam, pursuant to Sections 22a–410 of the~~

General Statutes, as amended;

- b) ~~Construction or placement of any obstruction within channel encroachment lines, pursuant to Sections 22a - 342 through 22a - 349 of the General Statutes, as amended;~~
- c) ~~Construction or placement of any structures or obstruction within tidal, coastal, and navigable waters, pursuant to Sections 22a - 359 through 22a - 363 or in designated tidal wetlands pursuant to Sections 22a - 28 through 22a - 35 of the General Statutes, as amended;~~
- d) ~~Diversion of water in excess of 50,000 gallons per day or any surface waters of the state where the tributary watershed area above the point of diversion is 100 acres or larger pursuant to Section 22a - 365 through 22a - 378 of the General Statutes, as amended;~~
- e) ~~Discharges into waters of the State, pursuant to Section 22a - 430 of the General Statutes, as amended;~~
- f) ~~All regulated activities undertaken by any department, agency, or instrumentality of the State of Connecticut, except any local or regional board of education. Any permit granted or denied by the Commissioner shall be binding upon the local Board as to matters within the Commissioner's jurisdiction.~~
- g) ~~The Board shall establish, amend, or change area boundary maps in accordance with the procedures of the Act (CGS Section 22a - 42a) and Ordinance No. 286 supplemental of the Code of Ordinances of the City of Stamford. Such maps shall be on file in the offices of the Town and City Clerk and of the Board and shall be titled "Official Inland Wetlands and Watercourses Map of the City of Stamford". Said map shall be in such form and scale as the Board may prescribe and shall be used solely for inventory purposes and for determining the locations of properties for which applications are filed pursuant to these regulations.~~
- h) ~~The location of the inland wetland area boundary shall be verified by a field observation by the Board or its designated Agent.~~

4.3 ~~Any person who disputes the designation of any part of his land as a regulated area may apply for an exemption from these regulations.~~

- a) ~~To challenge the classification of all or any part of his portion of land as an inland wetland or watercourse, the applicant may submit a report by a soil scientist that the subject parcel or a part of it does not have a soil type classified by the National Cooperative Soils Survey as poorly drained, very poorly drained, alluvial, or flood plain.~~
- b) ~~To challenge the classification of any portion or all of a regulated swamp, bog, or marsh, the applicant must present expert testimony in the form of documentation by a professional biologist or ecologist, competent in plant identification, wetland ecology and classification systems, that the area in question is not defined by botanical species as a swamp, bog or marsh.~~
- c) ~~The Board may require other proof of exemption from these regulations as it deems necessary to make a determination and may request and consider information from any other governmental agency relevant to said request for exemption. The Board shall grant or deny said exemption within the time limit in these regulations for the Board to act upon the application and shall notify the applicant of its action in the same manner as provided herein for notification of the Board's action upon appropriate applications.~~

[covered in Section 15]

- d) ~~To challenge classification as floodplain an applicant must present expert testimony in the form of documentation by a professional hydrological engineer licensed in the State of Connecticut that the property is not subject to inundation by the 100 year flood, with all such documentation to be reviewed and confirmed in writing by the Conn. DEP.~~
- 4.4 ~~Emergencies: Article 1 of this section shall not apply to work in a regulated area which is immediately necessary to protect the health, safety and well being of any person or to prevent imminent damage to personal or real property as determined by an official of federal, state, county or city governments, provided the Board is given immediate verbal notification and written notification within 48 hours after commencement of the work and within 48 hours of the completion of the work. Such emergency 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 Board, shall be made to restore the regulated area to its original, natural condition by the person(s) or agency conducting such necessary emergency work.~~

Section 4

Permitted and Nonregulated Uses

[Section 4 text from Model Regs plus subsequent legislative advisories]

- 4.1 To carry out the purposes of this Section, any person proposing to conduct an operation or use permitted as of right or a nonregulated use shall, prior to commencement of such operation or use, notify the EPB on a form provided by it and present the Board with sufficient information to enable it to properly determine whether the proposed operation or use is permitted as of right or is nonregulated. The Board shall rule that the proposed operation or use, or a portion of it, is permitted as of right or is nonregulated, or that the proposed operation or use is a regulated activity and that a permit is required. All activities in wetlands or watercourses not specifically noted in this Section and otherwise defined as regulated activities by these Regulations shall require a permit from the EPB in accordance with Section 6 of these Regulations.
- 4.2 The EPB encourages the use of best management practices by those who conduct permitted as of right operations and uses and nonregulated uses in order to minimize adverse impacts on wetlands and watercourses.
- 4.3 The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:
- a. Grazing, farming, nurseries, gardening, harvesting of crops and farm ponds of three acres or less which farm ponds are essential to the farming operation, and activities conducted by, or under the authority of, the Department of Energy and Environmental Protection for the purposes of wetland or watercourse restoration, enhancement, or mosquito control. The provisions of this subsection 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 cropland, or the mining of topsoil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;
- b. A residential home for which a building permit was issued before July 1, 1987;

c. Boat anchorage or mooring;

d. Uses incidental for the enjoyment and maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot size permitted anywhere in the City. 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 in C.G.S. section 16-1 or by municipal water supply systems provided for in C.G.S. Chapter 102, 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 C.G.S. sections 22a-401 and 22a-403.

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

g. Withdrawals of water for fire emergency purposes.

4.4 The following operations and uses shall be permitted as nonregulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character or function of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow, or pollution of the wetland or watercourse:

- a. Conservation of soil, vegetation, water, fish, shellfish, and wildlife;
- b. Outdoor recreation, including play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting, fishing, and shell fishing, where otherwise legally permitted and regulated; and
- c. The installation of a dry hydrant by or under the authority of a municipal fire department, provided such dry hydrant is only used for firefighting purposes and there is no alternative access to a public water supply. For the purposes of this subsection, "dry hydrant" means a non-pressurized pipe system that: (i) is readily accessible to fire department apparatus from a proximate public road, (ii) provides for the withdrawal of water by suction to such fire department apparatus, and (iii) is permanently installed into an existing lake, pond or stream that is a dependable source of water.

Section 5
Activities Regulated Exclusively by the
Commissioner of Energy and Environmental Protection

5.1 The State of Connecticut Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over:

- a. 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 C.G.S. sections 22a-39 or 22a- 45a;
- b. Tidal wetlands designated and regulated pursuant to C.G.S. sections 22a-28 through 22a-35, as amended;
- c. Activities authorized under a dam repair or removal order issued by the Commissioner of Energy and Environmental Protection under C.G.S. section 22a-402 or a permit issued by the Commissioner of Energy and Environmental Protection under C.G.S. section 22a-403. 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; and
- d. 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.

[directly from Model Regs]

Section 6
Regulated Activities to be Licensed

6.1 No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the EPB.

6.2 Any person found to be conducting or maintaining a regulated activity without the prior authorization of the EPB, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 14 of these regulations and any other remedies as provided by law.

[section combining parts of Model Reg sections 7, 11, 19]

SECTION V – APPLICATION PROCEDURE

- 5.1 ~~Prior to the submission of any application hereunder, the applicant or his agent should consult with Board staff for the purpose of seeking advice and guidance with respect to the proposed regulated activity and requirements of the application. [see 7.3]~~
- 5.2 ~~Any person intending to carry out a regulated activity shall submit an application to the Board. [see 7.1]~~
 - a) ~~Applications must be submitted to the staff at least three (3) days prior to the regularly scheduled meeting in order to be included on the meeting agenda. The date of receipt of any application shall be the next regularly scheduled meeting of the Board immediately following the date of submission, provided such meeting is no~~

earlier than three (3) business days (excluding the day of the scheduled meeting) after receipt, or 35 days after submission, whichever is sooner. [see 8.2]

- b) ~~No application shall be deemed complete for Acceptance unless it shall be in such form and contain such information as the Board deems necessary for a fair determination of the issues. The Board shall inform all applicants of such necessary information without delay. The Board shall inform all applicants in writing when the application is Accepted.~~
- c) ~~All information required by the Board shall be furnished in sufficient copies to permit the Board to carry out its duties under these regulations. In no case will fewer than twelve (12) copies be accepted for a final review of an application proposal. [the number of copies of application materials are now stated on the Application Checklist, not in the regulations]~~
- d) ~~All information submitted in the application shall be considered factual, or in the case of anticipated activity, binding. A knowing failure on the part of the applicant or any of his agents to provide correct information or performance exceeding the levels of anticipated activity shall be sufficient grounds for the revocation of any permit issued under these regulations and/or for penalties to be imposed in accordance with Section 10.5. [not included in Application Requirements since it's laid out in 14.5 under Enforcement]~~

5.3 ~~Any person submitting an application to the Board shall give written notification to abutting property owners of the nature of the application at least three (3) days prior to the regularly scheduled meeting. A Certificate of Mailing and a copy of the letter must be submitted with the application in order for the application to be deemed complete for Acceptance.~~

- a) ~~In the case of an inland wetland, such notification shall be sent by the applicant to all property owners within 250 feet of the boundaries of the applicant's parcel containing the inland wetland area.~~
- b) ~~In the case of applications for activities within or affecting the channel or banks of watercourses, additional notification shall be sent by the applicant to all property owners on both sides of the watercourse, within 500 feet of the applicant's parcel.~~
- c) ~~Evidence of mailing such notice shall be in the form of United States Postal Certificates of Mailing. [5.3.a-c are covered by 7.7.f., the Application Checklist, and the Application Instructions]~~
- d) ~~The applicant shall give written notice, certified mail, return receipt requested, to the adjacent municipal wetland agency on the same day of filing an inland wetland application to conduct an activity in a wetland or watercourse any portion of which is located within 500 feet of the boundary of such adjacent municipality. [included correctly in 8.3]~~
- e) ~~The applicant shall give written notice, certified mail, return receipt requested, to the Commissioner of the Connecticut Department of Public Health on the same day of filing an inland wetland application to conduct an activity in a wetland or watercourse any portion of which is located within a public drinking water supply watershed. [see 8.4]~~

[5.4 and 5.5 are covered in 7.4 - 7.7]

5.4 ~~All applications shall include as a minimum the following information in writing and shall be on a form provided by the Board and available from the Office of the Town and City Clerk and the EPB:~~

- a) ~~The applicant's name, home and business address, and telephone numbers.~~

- ~~b) The owner's name (if applicant is not the owner of the property), home and business addresses, telephone numbers, and written consent to the proposed activity set forth in the application.~~
- ~~c) Applicant's interest in the land.~~
- ~~d) The geographical location of the property which is to be affected by the proposed activity, including a description of the land in sufficient detail to allow identification of the properties on the Official Map.~~
- ~~e) Purposes and description of the proposed activity.~~
- ~~f) Names and addresses of adjacent property owners.~~
- ~~g) Soil survey of property prepared by a Soils Scientist.~~
- ~~h) Boundaries of regulated areas including 100 year flood hazard zone where applicable on maps, and calculation of area of wetlands on the property and area of wetlands to be impacted.~~
- ~~i) Legal description of property from the City of Stamford land records.~~
- ~~j) Site Development Proposal – a drawing of the proposed use and the property that will be affected. Such proposal shall include a site plan depicting existing conditions prepared by a licensed surveyor, and shall show all proposed activities. The site development proposal shall be drawn at a scale to be determined by the Board but not less than 200 feet to 1 inch. Detailed information to be included shall be requested by the Board according to its evaluation requirements, and may include some or all of the specific items listed in Section 5.5 of the Regulations.~~

~~5.5 After initial review of the application, and based on the nature of the anticipated impacts of the proposed activities on regulated areas as defined in Section 2.30 of these regulations, the Board may request additional information that is necessary to the comprehensive and fair evaluation of the application. Requests for such additional information shall not stay the time limitations as set forth in Section 6 of these Regulations. Incomplete applications may be denied. 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 Proposal – a drawing of the proposed use and the property that will be affected. Such proposal shall include a site plan depicting existing conditions prepared by a licensed surveyor, and shall show all proposed activities as designed and depicted by a professional engineer, architect or landscape architect registered in the State of Connecticut, or an adjoining state provided a substantial portion of the parcel is in said adjoining state. The site development proposal shall be drawn at a scale to be determined by the Board but not less than 200 feet to 1 inch and shall include:
 - ~~I. Property lines of the real property to be affected, the owners of record of that property and of adjoining properties and existing structures.~~
 - ~~II. Areas of proposed changes in use or activity.~~
 - ~~III. Locations on or near the affected property of wetlands or watercourses.~~~~

- ~~IV. Locations of all boring and soil samples data obtained by a soil scientist.~~
 - ~~V. Existing and proposed elevations by contour lines at vertical intervals as required by the Board.~~
 - ~~VI. All existing and proposed drainage structures such as culverts, catch basins, drainage ditches, and dams, including complete computations used in arriving at the drainage design.~~
 - ~~VII. Locations of all existing and proposed waste treatment facilities.~~
 - ~~VIII. Areas where material will be deposited, repositioned or removed.~~
 - ~~IX. Location of all existing and proposed construction within a watercourse.~~
 - ~~X. Significant vegetation.~~
 - ~~XI. Proposed grading of any earth movement anticipated, by vertical contours as required by the Board.~~
 - ~~XII. Existing flood encroachment lines, if any.~~
 - ~~XIII. Location of existing and proposed underground tanks.~~
 - ~~XIV. Management practices and mitigation measures that may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to, measures to prevent or minimize pollution or other environmental damage; measures that maintain or enhance existing environmental quality; and measures that restore, enhance, or create productive wetland or watercourse resources.~~
- b) ~~_____ A soil sample report prepared and certified by a soil scientist indicating the soil type and location of inland wetlands and watercourses keyed to the soil sample locations shown on any map submitted. Soil types shall be identified within the categories established by the National Cooperative Soils Survey of the U.S. Soil Conservation Service.~~
- c) ~~A biological evaluation of any marsh, swamp, or bog on the affected property indicating:~~
- ~~I. Dominant botanical species, rare species and forest age classes of vegetation.~~
 - ~~II. Habitat value of the affected property for wildlife species.~~
 - ~~III. Depth of water table below surface or level of water if inundated.~~
 - ~~IV. The date or dates of field inspection done.~~
- d) ~~Analysis of Material to be deposited or removed. The applicant may be required to describe any materials to be deposited on or removed from the affected property, in terms of volume, composition (biological and/or chemical analysis) and the possibility of erosion or leaching as a consequence of said deposit or removal; precise chemical composition of any toxic materials, whether enclosed in containers, and type of container, if any; an explanation of how material will be protected from erosion and leaching; the source, if material is to be deposited, and site of disposition if material is~~

to be removed.

- e) ~~Structures~~—The applicant shall provide a description of the proposed construction or the erection of structures on the affected property, including layouts, engineering and architectural plans or designs. Such description shall include the purposes of such construction or activity. The Environmental Protection Board shall be guided by advice from the Zoning Enforcement Officer and the requirement of a Zoning Permit, in determining if an activity constitutes a structure.
- f) ~~Property Owners Affected~~—List of abutting property owners and other person whose rights or interests may or will be affected by the proposed activity. For the purposes of this section the list shall include all property owners receiving notification as provided in Section 5.3 of these regulations.
- g) ~~Watercourse Characteristics~~—If the proposed activity may affect a watercourse lying within, partly with, 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:
 - I. ~~pH of alkalinity/acidity level.~~
 - II. ~~Turbidity or solids in parts per million.~~
 - III. ~~Bacteria count in total and fecal coliforms per milliliter.~~
 - IV. ~~Tests for other biochemical constituents, as specified by the Board.~~
 - V. ~~Flow (if any) in cubic feet per second.~~
 - VI. ~~Dates of filed determination of these data.~~
 - VII. ~~Estimate of change in (a) through (d) resulting from proposed activity or use.~~

5.6 ~~Publication of all applications and decisions~~—Within fifteen (15) days of acceptance of all applications submitted, the Board shall publish a listing with sufficient detail to reflect the property affected and the nature of the application so that residents of the City, abutting property owners or others with concerned interest in the application can provide signed, written information relevant to the application(s) for the consideration of the Board. The Board shall publicize within fifteen (15) days of its ruling, its decision on each application. [\[see 11.4\]](#)

5.7 ~~Except as provided in Section 6.2 of these regulations any applicant may withdraw his application at any time prior to the Board's final action thereupon for good cause stated in writing to the Board. Any filing fee paid by the applicant pursuant to these regulations shall not be refunded to the applicant.~~ [\[see 19.1\]](#)

5.8 Any application filed with the Board shall be judged according to the regulations in force on the date of filing.

5.9 ~~Notice to Adjoining Municipalities and Other Agencies.~~ [\[see 8.3\]](#)

- a) The Board shall, in accordance with PA 87-307, notify the clerk of any adjoining municipality of the pendency of any application to conduct a regulated activity when:
 - I. Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
 - II. 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;
 - III. 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,~~

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

~~Notice of the pendency of such application shall be made by Certified Mail, return receipt requested, and shall be mailed within seven (7) days of the date of receipt of the application.~~

~~b) The Board may, at its discretion, submit one (1) copy of every complete application to the following agencies or commissions for review upon formal acceptance by the Board. Failure to receive a written review shall not delay the hearing or prejudice the decision. [see 8.5]~~

~~I. The Planning Board and Zoning Boards of the city through the Planning/Zoning Director.~~

~~II. The commissioner of Public Works, City Engineer and Building Inspector of the City.~~

~~III. The City Health Director.~~

~~IV. The Fairfield County Soil and Water Conservation District.~~

~~V. The Tax Assessor of the City.~~

~~VI. Zoning Board of Appeals of the City.~~

~~VII. The Department of Environmental Protection.~~

~~VIII. U.S. Army Corps of Engineers.~~

5.10 Fees [taking the fee schedule out of the regulations and adding standalone Section 19 for general fee information]

~~a) Each applicant shall pay a base application fee of \$200.00. In addition to the base application fee, the following fees apply:~~

~~New detached single family and two family buildings — \$300.00/building.~~

~~New multi-family buildings (three or more units) — \$150.00/1000 square feet of building **area**.~~

~~New commercial buildings — \$150.00/1,000 square feet of building area. Subdivisions — \$150.00/lot.~~

~~In addition to the above fees, a fee equal to application fee shall be required for all requests for permit modifications; a hearing cost fee of \$750.00 per session shall be required for those applications where a public hearing is held; and a fee of \$200.00 shall be required for all applications for Site Plan Review.~~

~~b) Active Permits (approved and issued) require an Annual Compliance Fee equal to the application fee but not to exceed \$2,000.00. The Board may waive the compliance fee for projects, which at its discretion, do not involve a significant degree of follow up compliance inspection.~~

Other Fees are: _____	Issuance of Regulations	at a sum
Issuance of Maps		reasona
State Land Use Fee (P.A. 92-235; amended)		bly-
		necess
		ary to

~~The above fees may be amended procedurally by the Board to be set~~

~~cover costs.~~

~~\$1.00~~

~~\$10.00~~

~~The Board may waive requirement of fees for governmental departments or agencies.~~

~~\$60~~

~~The applicant is responsible for the publication costs of all required legal notices.~~

~~A fee equal to twice **(2X)** the application fee shall be required for all permit applications submitted as a consequence of a violation or other enforcement action. (Resolution January 18, 1996 and publication January 24, 1996)~~

Section 7 Application Requirements

7.1 Any person intending to conduct a regulated activity or to modify a permit to conduct a regulated activity shall, prior to the commencement of such activity, apply for a permit on a form provided by the EPB. Application forms may be obtained from the EPB office. The application shall also contain the information which is itemized on the Application Checklist and more specifically described in this Section, and any other information the Board may reasonably require prior to the issuance of a decision on an application for a permit or, in the case of an application on which a public hearing is conducted, at any time prior to the close of the public hearing. The Board may also, at its discretion, waive or modify the requirements set forth in this Section. In all cases, applications shall contain such information as is necessary for a fair and informed determination thereon by the Board or its duly authorized agent.

7.2 If an application to the City of Stamford Planning Board for subdivision or re-subdivision of land, or to the Stamford Zoning Board for Site & Architectural Plan and/or Requested Uses approval or Special Permit, involves land containing a wetland or watercourse, the applicant shall, in accordance with C.G.S. sections 8-3(g), 8-3c, or 8-26, as applicable, submit an application for a permit to the Board in accordance with this Section, no later than the day the application is filed with such Planning Board.

7.3 Prospective applicants are encouraged to seek guidance from EPB staff regarding the application requirements for their proposed project. Prospective applicants may also request the Board or its agent to determine whether or not a proposed activity involves a significant impact activity.

7.4 All applications shall include a completed application form containing, among other items, the following information:

- a. The applicant's name, mailing address, telephone number, email address, and interest in the land. If the applicant is a Limited Liability Corporation or a Corporation, the managing member's or responsible corporate officer's name and contact information shall be provided;
- b. The property owner's name, mailing address, telephone number, and email address, and written consent of the property owner if the applicant is not the owner of the land upon which the subject activity is proposed;
- c. A brief description of the proposed regulated activity as it relates to wetlands and/or watercourses;
- d. Statement by the applicant that he or she is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information; and
- e. Authorization for the members and agents of the Board to inspect the subject property at reasonable times, both before and after a final decision has been issued, while the regulated activities are being conducted, and at any time thereafter during the period of time in which the applicant's bond is in effect in order to ensure that the activities are being conducted in accordance with the permit.

7.5 All applicants shall certify whether:

- a. Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
- b. Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- c. Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality;
- d. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality;
- e. Any portion of the property is within the watershed of any water company which has filed a Watershed Boundary Map on the land records and at the office of the Agency.

7.6 All applicants shall submit the appropriate application fee as determined by EPB staff based on the fee schedule as established in Section 19 of these regulations. No application shall be deemed complete unless and until such fee is paid in full.

7.7 The information required in all applications is itemized on the Application Checklist. More specifically:

- a. Wetlands shall be delineated by a certified soil scientist and a soils report shall be submitted identifying the on-site soil types and depicting the series of flags for each wetland area on a sketch. Watercourses shall be delineated by a certified soil scientist, ecologist, geologist, wetland scientist, or other qualified professional. The flags delineating these features shall be located and depicted on the application site plans by a licensed surveyor;
- b. The required project narrative shall describe the proposed activity and its purpose, proposed erosion and sedimentation controls¹, other management practices, post-construction stormwater management measures², and other mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity. In order of preference, such management and mitigation measures include but are 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;
- c. The required biological narrative shall describe the site, its wetlands and watercourses, and the effect the proposed activity may have on those wetlands and watercourses. The narrative shall also include measures utilized to avoid, minimize, or mitigate such impacts and shall discuss the alternatives considered, their respective impacts on the wetlands and watercourses, and why they were disqualified. The report shall be prepared and signed by a wetland scientist, ecologist, or other professional qualified to make such assessments;
- d. The required site plans shall show existing conditions and the proposed regulated activity and proposed conditions in relation to wetlands, watercourses, and applicable upland review areas, and

¹ Erosion and sedimentation control measures shall conform to the “Connecticut Guidelines for Soil Erosion & Sediment Control” dated September 30, 2023, as may be amended.

² Stormwater management measures shall conform to the City of Stamford “Stormwater Drainage Manual” dated June 10, 2020 and the “Connecticut Stormwater Quality Manual” dated September 30, 2024, as may be amended.

shall identify any further activities associated with or reasonably related to the proposed regulated activity which are made inevitable by that activity and which may have an impact on wetlands or watercourses;

- e. Alternatives considered by the applicant which would cause less or no environmental impact to wetlands or watercourses and explanation why the alternative as set forth in the application was chosen. All such alternatives shall be diagrammed and submitted on a site plan or drawing;
- f. The required notification of nearby property owners shall be mailed no later than the day the application is submitted. If notification must be sent to a “common interest community” as defined in C.G.S. Chapter 828, and a unit owners’ association has been organized for such common interest community, the applicant need only notify the unit owners’ association; and
- g. An EPB agent shall revise or correct the information provided by the applicant in Part II of the CT DEEP reporting form, as may be necessary, and shall submit the form to the Commissioner of Energy and Environmental Protection in accordance with Section 22a-39-14 of the Regulations of Connecticut State Agencies.

7.8 At the discretion of the Board or its agent, or when the proposed activity involves a significant impact, additional information may be required, including, but is not limited to, the following:

- a. Site plans for the proposed activity and the land which will be affected thereby which show existing (A-2 or T-2 topographic survey) and proposed conditions; wetland boundaries, watercourses, and upland review areas; boundaries of land ownership; existing and proposed land contours; proposed alterations and uses of wetlands and watercourses; and other pertinent features of the proposed activity and land, such as the limit of residential landscaping, trees greater than 6 inches dbh within the proposed limit of disturbance, limits of off-site wetlands and watercourses as practical, easements, FEMA flood zones, stonewalls, utilities and drainage structures, etc. These plans shall be at a scale the Board deems suitable for review of the project and shall be prepared, signed, and sealed by a Connecticut-licensed professional engineer, land surveyor, architect, or landscape architect, or by such other qualified professional;
- b. Engineering reports, analyses, and additional drawings to fully describe the proposed activity, including any construction, structures, filling, excavation, drainage or hydraulic modifications to watercourses and the proposed erosion and sedimentation control plan. All such documents shall be signed and sealed by the Connecticut-licensed professional engineer responsible for their preparation;
- c. A biological evaluation prepared by a wetland scientist, ecologist, or other qualified professional that provides a description of the ecological communities, functions, and values of the wetlands, watercourses, and upland review areas involved with the application and the effects of the proposed activity on these communities, functions, and values;
- d. A narrative prepared by a qualified professional describing how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands, watercourses, and upland review areas involved in the application and each alternative which would cause less or no environmental impact to wetlands and/or watercourses, and explaining why each alternative considered was deemed neither feasible nor prudent;
- e. Management practices and other measures designed to mitigate the impact of the proposed activity. Such measures could include, but need not be limited to, plans or actions that avoid destruction or diminution of the wetland and/or watercourse functions, recreational uses, and natural habitats;

prevent flooding, degradation of water quality, erosion and sedimentation, and obstruction of drainage; safeguard water resources; provide for legal measures designed to preserve and protect adjacent wetland and watercourse areas and natural buffers;

- f. Quantitative information regarding the present characteristics of on-site watercourses and the projected impacts of the proposed activity, including pollution and comparison of existing and anticipated discharges; and
- g. Analysis of the chemical and/or physical characteristics of any fill material.

7.9 For any permit application involving property subject to a conservation restriction or preservation restriction, the following shall apply:

- a. For purposes of this Section, “conservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of the owner of the land described therein, including, but not limited to, the state or any political subdivision of the state, or in any order of taking such land whose purpose is to retain land or water areas predominantly in their natural, scenic, or open condition or in agricultural, farming, forest, or open space use;
- b. For purposes of this Section, “preservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of the owner of the land, 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;
- c. No person shall file a permit application, other than for interior work in an existing building or for exterior work on an existing building that does not expand or alter the footprint of such existing building, relating to property that is subject to a conservation restriction or preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction, including, but not limited to, any state agency that holds such restriction, not later than sixty days prior to the filing of the permit application; and
- d. In lieu of such notice pursuant to subsection 7.9.c, 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.

7.10 Any application to renew or modify an existing permit shall be filed with the EPB in accordance with Section 8 of these regulations at least 65 days prior to the expiration date of the permit. Any application to renew or modify such an existing permit shall contain the information required under this Section of these regulations provided:

- a. The application may incorporate the documentation and record of the prior application;
- b. The application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit;
- c. The application shall state the reason why the authorized activity was not initiated or completed within the time specified in the permit;
- d. The application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or use of the land for which the permit was issued; and

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

7.11 Any application to renew a permit shall be granted upon request of the permit holder unless the Board or its agent 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 extended beyond the maximum time periods described in Section 11.6.

Section 8 **Application Procedures**

8.1 All applications, requests, petitions, or appeals shall be submitted to the Environmental Protection Board of the City of Stamford, and shall be open for public inspection in the EPB office during regular business hours.

8.2 For the purposes of these regulations the date of receipt of an application, request, petition, or appeal shall be the day of the next regularly scheduled meeting immediately following the day of submission to the EPB, or thirty-five days after submission, whichever is sooner.

8.3 The EPB shall, in accordance with C.G.S. section 8-7d(f), notify the clerk of any adjoining municipality of the pendency of any application, request, petition, appeal, or plan concerning any project on any site in which:

- a. Any portion of the property affected by a decision of the Board is within 500 feet of the boundary of the adjoining municipality;
- b. A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- c. A significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the 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.

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

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 C.G.S section 25-32a, the applicant shall provide written notice of the application, via certified mail, return receipt requested, to the water company and notice to the Commissioner of Public Health in a format prescribed by said commissioner, provided such water company or said commissioner has filed a map showing the boundaries of the watershed on the Stamford Land Records and with the EPB. Such notice shall be made not later than seven (7) days after the date of the application. The applicant shall provide documentation of such notice to the Board. The water company and the Commissioner of Public Health, through representatives, may appear and be heard at any meeting or hearing on the application.

8.5 The Board and its agents may, at their discretion, refer applications to other City departments, State and Federal agencies, and third-party technical organizations for their review and comments. Failure to receive a written response to such a referral shall neither delay nor prejudice the deliberations of the Board.

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

8.7 Failure of the Board to act on an application or other matter formally brought before it within the time periods specified in these regulations, including any extension thereof, shall not be deemed to constitute an approval.

8.8 Incomplete applications may be withdrawn by the applicant or shall be denied by the Board.

SECTION VI – RULINGS

~~6.1 If the Board finds that a proposed activity is a regulated activity not involving significant impact or major effect on the inland wetland or watercourse as defined in Section 2.35 of these regulations, it may allow the activity with or without conditions after initial review and publication. In order to grant a permit at this stage, the Board after full review of all pertinent factors shall state upon the record its reasons for granting the permit with or without conditions. Such decision shall be publicized in the usual manner~~

[Public Hearings – see Section 9]

~~6.2 Public Hearings The Board shall not hold a public hearing on any application unless the Agency determines that the proposed activity may have a significant impact on wetlands and watercourses, a petition signed by at least twenty-five (25) persons who are eighteen (18) years of age or older and who reside in the municipality in which the regulated activity is proposed, requesting a hearing is filed with the Board not later than fourteen (14) days after the receipt of such application, or the Board finds that a public hearing regarding such application would be in the public interest. The Board may issue a permit without a public hearing provided no petition provided for in this subsection is filed with the Board on or before the fourteenth (14th) day after the receipt of the application.~~

- ~~a) The applicant shall be notified of the Board's decision to hold a public hearing within five (5) days following the decision.~~
- ~~b) All public hearings shall commence no later than sixty five (65) days after receipt of a complete application.~~
- ~~c) Notice of the hearing shall be published by the Board, at least twice, at three (3) day intervals. The first notification shall be published not more than fifteen (15) days and not fewer than ten (10) days before the date set for the hearing, and the last notification shall be published not less than three (3) days before the date set for the hearing, in a daily newspaper having a general circulation in the City.~~
- ~~d) No application may be withdrawn after the date for public hearing has been published without written approval from the Board for such withdrawal. Any subsequent application for the parcel of land involved may not be re-submitted for ninety (90) days.~~
- ~~e) All applications, maps and documents relating to this hearing shall be open for public inspection in the offices of the Board.~~

- ~~f) The Board shall notify the applicant and the DEP of the hearing. It shall be the responsibility of the applicant to notify adjacent and known interested or affected property owners and parties no later than fifteen (15) days prior to the date of the hearing. For the purposes of this section, the list of property owners shall include all property owners receiving notification as provided in Section 5.3 of these regulations. Evidence of mailing such notice shall be in the form of United States Postal Certificates of Mailing.~~
- ~~g) Where possible, public hearings shall be completed in a single session. However, the hearing may be continued (to a date certain) where necessary for the full development of the evidence or for the full and adequate participation of the parties, or for such other substantial purposes. The hearing shall be completed within forty-five (45) days of its commencement.~~
- ~~h) Action shall be taken on applications within thirty-five (35) days after completion of a public hearing.~~

~~6.3 Extensions - The applicant may consent to one or more extensions of the periods specified in this Section both for the holding of the hearing and for action on the application, provided the total extension(s) of all such periods shall not be for longer than sixty-five (65) days, or may withdraw the application. The failure of the Board to act within any time period specified in this Section, or any extension thereof, shall not be deemed to constitute an approval of the application. An application deemed incomplete by the Board shall be withdrawn by the applicant or denied by the Board. [see 11.2]~~

Section 9 Public Hearings

- 9.1 The Board shall not hold a public hearing on any application unless the Board determines that (a) the proposed activity may have a significant impact on wetlands or watercourses; (b) a petition signed by at least twenty-five persons who are eighteen years of age or older and who reside in Stamford requesting a hearing is filed with the EPB not later than fourteen days after the date of receipt of such application; or (c) the Board finds that a public hearing regarding such application would be in the public interest. The Board may issue a permit without a public hearing provided no petition provided for in this Section is filed with the EPB on or before the fourteenth day after the date of receipt of the application. Such hearing shall be held no later than sixty-five (65) days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing any person or persons may appear and be heard.
- 9.2 Notice of the public hearing shall be published by the EPB at least twice at intervals of not less than two days, the first not more than fifteen days and not fewer than ten days, and the last not less than two days before the date set for the hearing in a newspaper having a general circulation in the City of Stamford.
- 9.3 Notice of the public hearing shall be sent to the abutting landowners of record no less than 15 days prior to the day of the commencement of the hearing. Proof of mailing shall be evidenced by a certificate of mailing.
- 9.4 In the case of an application which is subject to the notification provisions of sections 8.3 or 8.4 of these regulations, a public hearing shall not be held until the clerk of the adjoining municipality and/or water company and the Commissioner of Public Health has received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record.

SECTION VII – THE PERMIT

- 7.1 ~~The Board shall state upon the record the reasons for at the time of granting a permit, granting a permit with limitations, granting an extension of time on an existing permit, or denying a permit.~~
- 7.2 ~~The Board may deny a permit with or without prejudice. If a permit is denied with prejudice, the application shall not be re-submitted for a period of one (1) year following the date of the denial. If a permit is denied without prejudice, the applicant may modify, amend, or correct his proposal.~~
- 7.3 ~~If a permit is granted with conditions or limitations, and the applicant disputes such conditions or limitations, he may amend, modify, or correct his proposal. Rejection of a modified, amended, or corrected proposal shall be equivalent to the denial of an application for the purposes of Section VIII of these regulations.~~
- 7.4 ~~In addition to specific conditions of approval imposed by the Board as part of its permit decision, the following general provisions shall apply:~~
- a) ~~Permits shall be issued in the name of the owner or owners of record and shall not be transferable except as expressly approved in writing by the Board or its designated Agent. [see 11.7 re. permit transfer]~~
 - b) ~~Permits shall be filed on the Stamford Land Records at the expense of the applicant upon issuance by the Board. [see 11.4]~~
 - c) ~~No activity for which a permit or license has been issued pursuant to these regulations shall be conducted upon the subject parcel prior to the effective date or after the expiration of the permit. Any permit issued by the Board, but under which authorized activity is not substantially completed within three (3) years from the date of issuance of such permit, shall expire by limitation. Notwithstanding the forgoing period, the Board, where it deems necessary, may extend the limitation for additional periods of one (1) year intervals. [see 11.6]~~
 - d) ~~An extension of time for intervals of one (1) year may be granted by the Board upon petition of the permittee if the Board determines that circumstances so warrant. Any such extensions shall be requested, in writing, not later than thirty-five (35) days prior to expiration. The Board may, on its own motion, hold a public hearing upon any request for an extension of time. [see 11.6]~~
- 7.5 ~~The Board must consider the following in making its final decision on all permit applications: [see 10.2]~~
- a) ~~All evidence offered at any public hearing on the character and extent of the proposed activity, on the land involved, and on possible effects of the activity on the subject parcel and on surrounding area;~~
 - b) ~~Any reports from other local, state or federal agencies;~~
 - c) ~~Additional requested information;~~
 - d) ~~All relevant facts and circumstances, including but not limited to the following:~~
 - i. ~~The environmental impact of the proposed action, including effects of the activity on the inland wetland's and/or watercourse's natural capacity to support desirable biological life, to prevent flooding and erosion, to supply water, to control sediment, to facilitate drainage, and to promote public health and safety.~~

~~II. (a) The alternatives to the proposed action including a consideration of those which might enhance environmental quality or have a less detrimental effect, and which could feasibly attain the basic objectives of the activity. This should include but is not limited to the alternative of taking no action, or postponing action pending further study or the alternative of requiring actions of different nature to provide similar benefits with different environmental impacts, such as using a different location for the activity.~~

~~(b) In the case of an application which received a public hearing, a permit shall not be issued unless the Board finds that a feasible and prudent alternative does not exist. In making its finding, the Board shall consider the facts and circumstances set forth in subsection (l) above. The finding and the reasons therefore shall be stated on the record.~~

~~111. The relationship between the short-term uses of the environment and the maintenance and enhancement of long-term productivity, 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 considerations of the extent to which the proposed action foreclosed future options.~~

~~IV. Irreversible and ir retrievable commitments of resources which would be involved in the proposed activity. This requires recognition that the inland wetlands and watercourses of the State of Connecticut are an indispensable and irreplaceable but fragile natural resource, and that these areas may be irreversibly destroyed by deposition, filling, and removal of material, by the diversion or obstruction of water flow, by the erection of structures and by other uses.~~

~~V. The character and degree of injury to, or interference with, safety, health, or the reasonable use of property which would be caused or threatened. This includes recognition of potential damage from erosion, turbidity, or siltation, loss of fish and other beneficial aquatic organisms, wildlife and vegetation; the dangers of flooding and pollution; and destruction of the economic, aesthetic, recreational, and other public and private uses and values of wetlands and watercourses.~~

~~VI. The suitability of such action to the area for which it is proposed.~~

~~VII. Measures which could mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements of safeguards added to the plan to avoid a reduction in the natural function of the inland wetland or watercourse.~~

~~e) The Board shall base its decision on the hearing record. Material not in the hearing record shall not be considered.~~

~~7.6 In the event that the Board does not schedule a public hearing the Board shall render a final decision within sixty-five (65) days from the date of Acceptance of the application.~~

~~7.7 Notifications of Decisions [see 11.4]~~

~~a) The Board 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.~~

~~b) The Board shall cause notice of its orders in issuance or denial of a permit to be published in a newspaper having a general circulation in the City within fifteen (15) days of the date of the decision.~~

- c) ~~All applicants when receiving notification of a decision shall also receive information concerning the appeals procedure pursuant to Section 8-1.~~
- d) ~~On forms provided and within time limits prescribed by the Department of Environmental Protection, the Board shall report the following actions to the Commissioner: [see 7.7.g.]~~
 - I. ~~Permits issues~~
 - II. ~~Permits denied~~
 - III. ~~Enforcement notices and orders~~
 - IV. ~~Map amendments~~
 - V. ~~Jurisdictional rulings~~

Section 10 **Considerations for Decision**

10.1 The Board shall consider the following in making its decision on an application:

- a. The application and its supporting documentation;
- b. All information, including public comments, evidence, and testimony, offered at or before any public meeting or hearing;
- c. Watershed management plans and any other reports from other commissions and/or federal, state or city agencies, including but not limited to, the Connecticut Department of Energy and Environmental Protection, the Planning and Zoning Boards, the Health Department, and the Engineering Bureau;
- d. The Board may also consider comments on any application from the Southwest Conservation District, the Western Connecticut Council of Governments 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; and
- e. Non-receipt of comments from agencies and commissions listed in subsections 10.1.c or 10.1.d within the prescribed time shall neither delay nor prejudice the decision of the Board.

10.2 Criteria for Decision. In carrying out the purposes and policies of C.G.S. sections 22a-36 to 22a-45, inclusive, including matters relating to regulating, licensing, and enforcing of the provisions thereof, the Board shall take into consideration all relevant facts and circumstances, including but not limited to:

- a. The environmental impact of the proposed regulated activity on wetlands or watercourses;
- b. The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses;
- c. The relationship between the short term and long term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses;
- d. Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future

ability to protect, enhance, or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, and/or (3) in the following order of priority: restore, enhance, and create productive wetland or watercourse resources;

- e. The character and degree of injury to, or interference with, safety, health, or the reasonable use of property which is caused or threatened by the proposed regulated activity; and
- f. Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.

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

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

10.5 In reaching its decision on any application after a public hearing, the Board 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 Board 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 their application is consistent with the purposes and policies of these regulations and C.G.S. sections 22a-36 to 22a-45, inclusive.

10.6 For the purposes of this Section, (1) “wetlands and watercourses” includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (2) “habitats” means areas or environments in which an organism or biological population normally lives or occurs.

10.7 The Board shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetland or watercourse.

10.8 In the case of an application where the applicant has provided written notice pursuant to subsection 7.9.c of these regulations, the holder of the restriction may provide proof to the Board 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 Board shall not grant the permit approval.

10.9 In the case of an application where the applicant fails to comply with the provisions of subsections 7.9.c or 7.9.d of these regulations, (1) the party holding the conservation or preservation restriction, other than a state agency that holds such a restriction, may, not later than fifteen days after receipt of actual notice of permit approval, file an appeal with the Board, subject to the rules and regulations of the

EPB relating to appeals. The Board shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction; or (2) the state agency that holds such restriction may, not later than thirty days after receipt of actual notice of permit approval, file an appeal with the Board, subject to the rules and regulations of the EPB relating to appeals. The Board shall immediately reverse such permit approval if the commissioner of the state agency that holds such restriction certifies that the land use authorized in such permit violates the terms of such conservation or preservation restriction.

10.10 Nothing in subsections 7.9.c or 7.9.d of these regulations shall be construed to prohibit the filing of a permit application or to require such written notice when the activity that is the subject of such permit application will occur on a portion of property that is not restricted under the terms of such conservation or preservation restriction.

Section 11 **Decision Process and Permit**

11.1 The Board, or its duly authorized agent acting pursuant to Section 12 of these regulations, may, in accordance with Section 10 of these regulations, grant the application as filed, or grant it upon other terms, conditions, limitations, or modifications of the regulated activity designed to carry out the purposes and policies of the Act, or deny the application. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would (a) prevent or minimize pollution or other environmental damage, (b) maintain or enhance existing environmental quality, or (c) in the following order of priority: restore, enhance, and create productive wetland or watercourse resources. Such terms may include restrictions as to the time of year in which a regulated activity may be conducted, provided the Board, or its agent, determines that such restrictions are necessary to carry out the policy of C.G.S. sections 22a-36 to 22a-45, inclusive.

11.2 No later than sixty-five (65) days after receipt of an application, the Board may hold a public hearing pursuant to Section 9 of these regulations on such application. Any person or persons may appear and be heard and may be represented by agent or attorney. The hearing shall be completed within thirty-five (35) days of its commencement. Action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or the applicant may withdraw the application.

The failure of the Board or its duly authorized agent 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 Board shall be withdrawn by the applicant or denied by the Board.

11.3 The Board shall state upon its record the reasons and basis for its decision. In the case of any public hearing, such decision shall be based on the record of such hearing, shall be in writing, and shall, 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 Board shall notify the applicant and any person entitled to such notice of its decision within fifteen (15) days of the date of the decision by certified mail, return receipt requested. The Board shall cause notice of its issuance or denial of the permit to be published in a newspaper having general circulation within the City of Stamford at the permittee's expense. 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. The Board shall also file a copy of its decision on the Stamford Land Records at the permittee's expense.

11.5 If an activity authorized by an inland wetland permit also involves an activity which requires a zoning or subdivision approval, Site & Architectural Plan and/or Requested Uses approval, or Special Permit, under C.G.S. sections 8-3(g), 8-3c, or 8-26, the Board shall file a copy of its decision and report on the application with the Stamford Planning or Zoning Board within fifteen days of the date of the decision thereon.

11.6 Any permit issued by the EPB for the development of land for which an approval is required under C.G.S. Chapters 124, 124b, 126, or 126a shall use the Planning or Zoning approval date as the permit start date and shall be valid until the approval granted under such chapter expires or for ten years, whichever is earlier.

Any permit issued by the Board for any activity for which an approval is not required under C.G.S. Chapters 124, 124b, 126, or 126a shall be valid for three years, with the exceptions noted below. The Board or its agent may extend the time period of the original permit at intervals of one year upon a request submitted by the permittee prior to permit expiration, provided no permit may be extended beyond ten (10) years from the date such permit was issued, with the exceptions noted below:

- a. A permit issued prior to July 1, 2011 and still valid as of May 9, 2011 shall be valid for nine years after the date of such approval and may be extended an additional five years.
- b. A permit issued between July 1, 2011 – June 10, 2021 and still valid as of March 10, 2020 shall be valid for 14 years and may be extended an additional five years.
- c. A permit issued prior to July 1, 2011 and still valid as of July 12, 2021 shall be valid for 14 years and may be extended an additional five years.

11.7 No permit issued pursuant to these regulations shall be assigned or transferred to another party without written authorization from the Board or its duly authorized agent.

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

11.9 General provisions in the issuance of all permits:

- a. The Board has relied in whole or in part on information provided by the applicant and if such information subsequently proves to be false, deceptive, incomplete, or inaccurate, the permit may be modified, suspended, or revoked;
- b. All permits issued by the EPB are subject to and do not derogate any present or future rights or powers of the Board or the City of Stamford, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity;
- c. If the activity authorized by the Board's permit also involves an activity which requires zoning or subdivision approval, Site & Architectural Plan and/or Requested Uses approval, or Special Permit under C.G.S. sections 8.3(g), 8-3c, or 8-26, no work pursuant to the EPB permit may begin until such approval is obtained; and

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

[Section 12 is new to Stamford regs. Wording per Model Regs]

Section 12
Action by Duly Authorized Agent

12.1 The Board may delegate to its duly authorized agent(s) 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 Energy and Environmental Protection pursuant to C.G.S. section 22a-39. Requests for such approval shall be made on a form provided by the EPB and shall contain the information listed in Section 7 of these regulations and any other information the Board or its agent may reasonably require. Notwithstanding the provisions for receipt and processing applications prescribed in Sections 8, 9, and 11 of these regulations, such agent may approve or extend such an activity at any time.

12.2 Any person receiving such approval from such agent shall, within ten (10) days of the date of such approval, publish, at the applicant's expense, notice of the approval in a newspaper having a general circulation in the City of Stamford. Any person may appeal such decision of such agent to the Board within fifteen (15) days after the publication date of the notice and the Board shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt by the Board or its agent of such appeal. Any person may appear and be heard at the meeting held by the Board to consider the subject appeal. The Board shall, at its discretion, sustain, alter, or reject the decision of its agent or require an application for a permit in accordance with Section 7 of these regulations.

SECTION XI – BOND AND INSURANCE

[Now Section 13 and conforms to Model Regs]

- ~~11.1 The applicant, upon approval of the permit and at the discretion of the Board, shall be required to file a performance bond or other form of surety acceptable to the Corporation Counsel in an amount and with sureties and in a form approved by the Board. The requirement for surety bond may be waived by the Board at its discretion.~~
- ~~11.2 The Bond and sureties shall be conditioned on compliance with all provisions of these regulations and conditions imposed on permit approval, and shall be in a form satisfactory to the Corporation Counsel and in amount not less than the City Engineer estimates the permitted work will cost.~~
- ~~11.3 The applicant may be required to certify that he has public insurance against liability which may result from the proposed operation or use covering any and all damages which might occur within three (3) years of completion of such projected operation. The City shall be named as a co-insured party. In the event that the activity involves significant impact or major effect the Board shall require such bond.~~

- 11.4 No work shall be performed under the permit until such bond or insurance is provided.

Section 13 **Bond and Insurance**

- 13.1 The applicant, upon approval of the permit and at the discretion of the Board, may be required to file a performance bond with such surety in an amount in a form approved by the Board.
- 13.2 The bond or surety shall be conditioned on compliance with all provisions of these regulations and the conditions established in the permit.

~~SECTION X – ENFORCEMENT~~

[Now Section 14 per Model Regs + Stamford fine in 14.7 rather than first subsection]

- ~~10.1 Any person who commits, takes part in, or assists in any violation of any provision of this act, including regulations promulgated by the Commissioner and ordinances and regulations promulgated by municipalities or districts pursuant to the grant of authority herein contained, shall be fined not more than one thousand dollars (\$1,000) for each offense. Each violation of this act 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.~~

~~The superior court, in an action brought by the Commissioner, municipality, district or any person, shall have jurisdiction to restrain a continuing violation of this act and to issue orders directing that the violation be corrected or removed.~~

~~All costs, fees and expenses in connection with such action shall be assessed as damages against the violator together with reasonable attorney's fees which may be allowed, all of which shall be awarded to the commissioner, municipality, district or person which brought such action.~~

- ~~10.2 Application for a permit shall constitute permission for, and consent to, Board inspections of the site of proposed activity at any reasonable time before or after the granting of a permit. The owner, applicant or their agent shall have the license or permit readily available and posted conspicuously on the property as with a building permit and shall produce it for inspection upon request.~~
- ~~10.3 The Board shall be authorized to seek such necessary court orders as will permit it to inspect land whereon the Board has probable cause to believe that a regulated activity involving an inland wetland or watercourse is in progress, and for which no application has been filed.~~
- ~~10.4 In the performance of its duties under the Inland Wetland and Watercourses Act, the Board may, by itself or its designated agent, enter at all reasonable times upon any public or private property except a private residence for the purpose of inspection and investigation to ascertain possible violations of these regulations. The Executive Director is the legally designated agent of the Board for the purpose of issuing written orders, permits, permit extensions and transfers.~~
- ~~10.5 Any person who commits, takes part in, or assists in any violation of any provision of these regulations shall be subject to the penalties provided in Section 22a-44(b) of the Connecticut General Statutes, as amended, and to such other penalties as the law may provide.~~

10.6 Enforcement of The Regulations

- a) ~~Notwithstanding any other provision, if the Board finds that any person is conducting or maintaining any activity, facility or condition which is in violation of Sections 22a-36 to 22a-45, inclusive, as amended, or of the regulations of the Board, the Board may issue a written order by certified mail, to such person maintaining such facility or condition. Within ten (10) days of the issuance of such order the Board 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 Board shall consider the facts presented at the hearing within ten (10) days of the completion of the hearing notify the person by certified mail that the original order remains effect, that a revised order is in effect, or that the order has been withdrawn. The original order shall be effective upon issuance and shall remain in effect until the Board affirms, revises or withdraws the order. The issuance of an order pursuant to this section shall not delay or bar any other action available at law.~~

- b) ~~If the Board determines that any person is engaging in any regulated activity without a proper permit or is exceeding the scope, conditions or limitations placed on a permit or the scope of work as set forth in the application or has obtained a permit based on fraud, deception, misrepresentation or inaccurate information which is material, or has engaged or is engaging in any other activity or conduct which constitutes a violation of these regulations, City ordinances or the Act, the Board may:~~
 - 1. ~~Suspend or revoke any permit if it finds after giving notice to the permittee of facts or conduct which warrant such suspension or revocation and after a hearing at which the permittee is given an opportunity to show compliance with the requirements for retention of the permit, that the permittee had not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application.~~

 - 2. ~~Notify the Corporation Counsel to bring any action for the enforcement of the Act, the ordinances of the City of Stamford relative hereto and these regulations pursuant to Section 22a-44(b) or any other remedies available.~~

 - 3. ~~The Board shall issue notice of facts or conduct which may warrant suspension or revocation of any permit or to bring any action as above provided, such notice shall be issued to the public in the manner provided for notice of a public hearing pursuant to Section 6.4 of these regulations, thereafter the Board may take any action in accordance with these regulations.~~

~~10.6 At all hearings pursuant to this Section, all parties may, subject to the ruling of the Board, cross-examine witnesses; introduce records, papers, documents, or other evidence into the record; and submit oral arguments and file briefs for the purpose of showing compliance with requirements for retention of a permit.~~

10.7 Notifications of Decisions

- a) ~~Applicants shall be notified of the Board's decisions by certified mail within fifteen (15) days of the date of such decisions.~~

- b) ~~Notification of decisions, cease and desist orders, suspensions or revocations shall be published in a newspaper having a general circulation in the city, within fifteen (15) days of its decision.~~

Section 14 Enforcement

14.1 The Board 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 Board or its duly authorized agent shall take into consideration the criteria for decision under subsection 10.2 of these regulations.

14.2 The Board 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 Board 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 Board 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 Board or its duly authorized agent may:

- a. 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 EPB, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The Board may request that the individual appear at the next regularly scheduled meeting of the EPB 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 subsection 14.4.b. or other enforcement proceedings as provided by law.
- b. 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) days of the issuance of such order, the Board 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 Board shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing shall notify the person by certified mail that the original order remains effect, that a revised order is in effect, or that the order has been withdrawn. The original order shall be effective upon issuance and shall remain in effect until the Board affirms, revises, or withdraws the order. The issuance of an order pursuant to this Section shall not delay or bar any other action available at law.

14.5 The Board may suspend or revoke a permit if the Board determines that the permittee has not complied with the terms, conditions, or limitations set forth in a permit or has exceeded the scope of work as set forth in the application, including application plans. Prior to revoking or suspending any permit, the Board shall issue notice to the permittee, personally or by certified mail return receipt requested, setting forth the facts or conduct which warrants the intended action. The Board shall hold a hearing to provide the permittee an opportunity to show that they are in compliance with their permit and any and all requirements for retention

of the permit. The permittee shall be notified of the Board's decision to suspend, revoke, or maintain the permit by certified mail within fifteen (15) days of the date of its decision.

14.6 These Regulations shall be enforced, and such remedies and penalties as may apply, in accordance with the provisions of Connecticut General Statutes and City of Stamford Charter and Code of Ordinances.

SECTION XV – AMENDMENTS

~~15.1 These Regulations and the Inland Wetland and Watercourses Map of the City of Stamford may be amended, change or repealed by majority vote of the Board after the procedure outlined for the establishment of regulations and boundaries pursuant to Section 22a – 42a of the General Statutes, as amended.~~

~~15.2 No amendments or changes to these regulations or to the boundaries of regulated areas shall become effective until after a public hearing is held by the Board at which parties in interest and citizens shall have an opportunity to be heard.~~

~~15.3 All petitions requesting a change in the Regulations or boundaries of regulated areas shall be submitted in writing on a form provided by the Board, and available at the offices of the Town and City Clerk and the Board.~~

~~a) Such petition shall be considered at a public hearing in the manner prescribed in the Act for the establishment of regulations and boundaries. Such public hearing shall be held within ninety (90) days after receipt of said petition, and the petitioner shall be notified of the time and place of the scheduled hearing by certified mail no fewer than ten (10) days prior to the hearing. The Board shall act upon the changes requested within sixty (60) days after the hearing.~~

~~b) The petitioner may consent to extension of the periods provided in this section for holding hearings and for adoption or denial of the requested change, or may withdraw the petition. The Board may require a filing fee of Fifty (\$250.00) dollars to defray the cost of publishing notices required herein.~~

Section 15 **Amendments**

15.1 These regulations and the “General Wetland Map, City of Stamford, Connecticut” (hereinafter “Map”) may be amended, from time to time, by the Board in accordance with changes in the Connecticut General Statutes or regulations of the Connecticut Department of Energy and Environmental Protection, the City of Stamford Charter, or as new information regarding soils and inland wetlands and watercourses becomes available.

15.2 An application filed with the EPB 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 wetlands regulations, including changes to upland review areas and buffers, taking effect on or after the date of such receipt and any appeal from the decision of the Board 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 subsection shall not be construed to apply (1) to the establishment, amendment or change of boundaries of inland wetlands or watercourses or (2) to any change in regulations necessary to make such regulations consistent with the provisions of the Act as of the date of such receipt.

15.3 These regulations and the Map shall be amended in the manner specified in CGS section 22a-42a, as amended. The Board shall provide the Commissioner of Energy and Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except map amendments, at least thirty-five (35) days before the public hearing on their adoption.

15.4 Any person who submits a petition requesting changes or amendments to the Map shall bear the burden of proof for all requested map changes or 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 Board. If such person is the owner, developer, or contract purchaser of the land which is the subject of the petition, or if such person is representing the interests of such an owner, developer, or purchaser, the petition shall include:

- a. The petitioner's name, mailing and email addresses and telephone number;
- b. The owner's name (if not the petitioner), mailing address, telephone number, and written consent to the proposed action set forth in the petition;
- c. The address of the land affected by the petition;
- d. The petitioner's interest in the land affected by the petition;
- e. The reasons for the requested action; and
- f. Plan(s) showing the geographic location of the land affected by the petition and the existing and the proposed wetland and watercourse boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations.
- g. 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 plan of the subject area indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types; and
- h. Plan(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.

15.5 Watercourses shall be delineated by a soil scientist, geologist, ecologist, or other individual who is qualified in the judgment of the Board.

15.6 A public hearing shall be held on petitions to amend the Map. Notice of the hearing shall be published in a newspaper having a general circulation in the City of Stamford at least twice at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, and the last not less than two days before the date set for the hearing. All materials, including maps and documents relating to the petition, shall be open for public inspection. The Board may require a filing fee sufficient to defray the cost of publishing notices required herein.

15.7 The EPB shall hold a public hearing on a petition to amend the regulations or the Map within sixty-five (65) days after receipt of such petition. The hearing shall be completed within thirty-five (35) days after commencement. The EPB shall act upon the changes requested in such petition within sixty-five (65) days after completion of such hearing. At such hearing, any person or persons may appear and be heard and may be represented by agent or attorney. The petitioner may consent to one or more extensions of any period specified in this subsection provided the total extension of

all such periods shall not be for longer than sixty-five (65) days, or may withdraw such petition. Failure of the EPB to act within any period of time specified in this subsection or any extension thereof, shall not be deemed to constitute approval of the petition.

15.8 The EPB shall make its decision and state, in writing, the reasons why the change in the Map was made.

SECTION VIII • APPEAL

[Now Section 16 and conforms with Model Regs]

- ~~8.1— Any person aggrieved by any regulation, order, decision, or action of the Board pursuant to these regulations may appeal to the Superior Court within fifteen (15) days after publication of such regulation, order, decision, or action. All appeals shall follow the procedure outlined in Section 22A-43 of the General Statutes, as amended.~~
- ~~a) The commissioner may appeal within fifteen (15) days after publication of such regulation, order, decision, or action.~~
 - ~~b) Any person owning or occupying land which abuts any portion of land involved in the decision may appeal within fifteen (15) days after publication of such regulation, order, decision, or action.~~
 - ~~c) Any person owning or occupying land within a radius of ninety feet of the wetland or watercourse involved in any regulation, order, decision or action made pursuant to these regulations may appeal within fifteen (15) days after publication of such regulation, order, decision, or action.~~
 - ~~d) Notice of such appeal shall be served upon the Board and upon the Commissioner of Environmental Protection.~~

Section 16 **Appeals**

16.1 Appeal on actions of the Board shall be made in accordance with the provisions of C.G.S. section 22a-43, as amended.

16.2 Notice of such appeal shall be served upon the Board and upon the Commissioner of Energy and Environmental Protection.

SECTION XII — CONFLICT, SEVERANCE AND LEGAL CONSTRUCTION

[Moved to Section 17 where Model Reg wording used]

- ~~12.1 Where there is a conflict between the provisions of these regulations and those of any other federal, state or local act, charter provision, ordinance, or regulations, the provisions which impose the greatest restriction on use shall govern.~~
- ~~12.2 The invalidity of any word, clause, sentence, section, part 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.~~
- ~~12.3 These Regulations and portions thereof are intended as conjunctive in their construction, unless otherwise specifically provided.~~

Section 17
Conflict and Severance

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

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

SECTION IX – OTHER PERMITS AND LICENSES

[Moved to Section 18 and adjusted to conform to Model Regs]

~~9.1 Nothing in these regulations shall obviate any requirement for the applicant to obtain any assent, permit, license, OR authorization required by law or regulation of the Government of the United States, the State of Connecticut or any political subdivision thereof. The obtaining of such assents, permits, licenses or authorizations shall be the sole responsibility of the applicant.~~

~~9.2 If the activity authorized by the Inland Wetland Permit also involves an activity or 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.~~

Section 18
Other Permits

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

18.2 If the activity authorized by an EPB permit also involves an activity or 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.

SECTION XIII – CONFORMITY WITH STATE REGULATIONS

[This is now 7.7.g.]

~~13.1 All decisions, including decisions, enforcement activities undertaken by the City and all appeals which pertain to the wetlands and watercourses of the State shall be reported, on a form supplied by the Commissioner, to the Commissioner.~~

[Mostly from Model Regs plus 19.2 and 19.6 specific to Stamford]

Section 19

Fees

19.1 No application shall be approved by the Board unless the correct application fee is paid in full or unless a waiver has been granted by the Board pursuant to subsection 19.5 of these regulations. The application fee is not refundable.

19.2 A schedule of fees has been established by the Board of Representatives and may be amended from time to time.

19.3 All fees required by these regulations shall be submitted to the Board by check or money order payable to the City of Stamford at the time the application is filed with the Board.

19.4 Boards, commissions, agencies, and departments of the City of Stamford are exempt from payment of the fees cited in this section.

19.5 An applicant may petition the Board 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 Board should consider in its determination under this subsection. The Board may waive all or part of the application fee if the Board 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, or
- c. The applicant has shown good cause.

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

19.6 Pursuant to the City of Stamford Code of Ordinances, section 123-11 *et seq.*, additional fees may apply when the Board requires one or more outside consultants or professionals to review and report on wetland, environmental, engineering, and other technical issues related to applications whose size, complexity, and/or potential impact requires specialized analytical expertise. Such fees shall be paid by full by the applicant.

SECTION XVI 20- EFFECTIVE DATE

46.4 20.1 These regulations and any amendments thereto shall become effective upon filing in the Office of the Town and City Clerk and publication of a notice of such action in a newspaper having general circulation in the City of Stamford in accordance with C.G.S. section 22a - 42a, of the Connecticut General Statutes, and upon following approval by the Stamford Board of Representatives in accordance with Chapter 6, Article V, Section 6-24C. of the Stamford Code of Ordinances.