



Inland Wetlands and Watercourses Regulations  
of the  
CITY OF STAMFORD

ENVIRONMENTAL PROTECTION BOARD

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*Approved by the Stamford Board of Representatives  
pursuant to Chapter 6, Article V, section 6-24C of the Stamford Code*

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

## **Inland Wetlands & Watercourses Regulations of the City of Stamford**

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## 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 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 **City of Stamford Code of Ordinances**. 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.*, 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.
- 1.3 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, 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 stability of streambanks and floodplains; to the mitigation of climate change through the capture and sequestration of carbon dioxide and other greenhouse gasses; to the aesthetic and recreational values of open spaces; and to the existence of many forms of animal, aquatic, and plant life.

Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted, and eliminated wetlands and watercourses. Such unregulated activity has had 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. The purpose of these Regulations is 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.

- 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.
- 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**

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.

"Agent" 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 information and documents required as part of all applications to conduct regulated activities.

"Best Management Practice" means a practice, procedure, activity, structure, or facility designed to prevent or minimize pollution or other environmental damage or to maintain or enhance existing environmental quality. Such management practices include, but are not limited to, erosion and

sedimentation controls, restrictions on land use or development, construction setbacks from wetlands 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.

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

"Buffers" are **undisturbed**, naturally vegetated **or restored** 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 which removes substantially all trees two inches or greater in diameter at breast height (dbh).

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

"Days" means calendar days.

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

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

"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 C.G.S. section 1-1(q).

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

"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.

“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.

"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.

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

"Permit" means the whole or any part of a license, certificate, approval, exemption, or similar form of permission which 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, limited liability company, company, organization, or legal entity of any kind, including municipal corporations, governmental agencies, or subdivisions thereof.

"Pollution" means harmful thermal effect or the contamination or rendering unclean or impure of any 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 wetlands or watercourses. This includes, but is not limited to, sedimentation resulting from any filling, land clearing, or excavation activity.

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

"Regulated Activity" means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration, or pollution of such wetland or watercourse, 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 50 feet measured horizontally from the boundary of any wetland or watercourse not located within a public water supply watershed;
- b. Within ~~50~~ 75 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.

"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 wetlands or watercourses of the City as defined herein, including, but not limited to, change in odor, color, turbidity, taste.

"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 removal of material which will or may have a substantial effect on the wetland or watercourse, or on wetlands or watercourses outside the area for which the activity is proposed.
- b. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.
- c. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to support aquatic plant or animal life and habitats, prevent flooding, supply water, assimilate waste, facilitate drainage, provide recreation or open space, or perform other functions.
- 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.

"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.

“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 or artificial, vernal or intermittent, public or private, which are contained within, flow through, or border upon the City or any portion thereof, not regulated pursuant to C.G.S. sections 22a-28 through 22a- 35 inclusive.

"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, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soil Survey, as may be amended from time-to-time, of the National 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 National Cooperative Soil Survey.

### **Section 3 Inventory of Inland Wetlands and Watercourses**

- 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 EPB shall maintain a current inventory of wetlands and watercourses within the City, and may amend its Map and records as more accurate information becomes 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 set forth in Section 9 of these Regulations.

## **Section 4**

### **Permitted and Nonregulated Uses**

- 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 that are 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 State of Connecticut**  
**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.

## **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, the **City of Stamford Code of Ordinances sec. 6-25**, and any other remedies as provided by law.

## **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 EPB in accordance with this Section, no later than the day the application is filed with such Planning Board **or Zoning Board**.
- 7.3 Prospective applicants are encouraged to seek guidance from EPB staff regarding the application requirements for their proposed project. A prospective applicant 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 site, its wetlands and watercourses**, the proposed activity and its purpose, proposed erosion and sedimentation controls<sup>1</sup>, other **best** management practices, post-construction stormwater management measures<sup>2</sup>, 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;
- ~~e. 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 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

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

<sup>2</sup> 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, 2023, as may be amended.

- 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 and signed 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”, as defined in C.G.S. section 47-42a(a), as may be amended, 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”, as defined in C.G.S. section 47-42a(b), as may be amended, 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 without complying with the requirements of C.G.S. section 47-42d(b), as may be amended, 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 (60) days prior to the filing of the permit application. ~~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 sixty-five (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 subsection 11.6 of these Regulations.

## **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 (35) 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 seven (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 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 (14) 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 fifteen (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 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, based on 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 as 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, the holder of such a restriction may file an appeal in accordance with C.G.S. section 47-42d(c), as may be amended as follows, (1) the party holding the conservation or preservation restriction, other than a state agency that holds such a restriction, may, not later than fifteen (15) 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 (30) 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 period of time 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 applicant'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 (10) days thereafter. The Board shall also file a copy of its decision on the Stamford Land Records at the applicant'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 (15) 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 EPB 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 an EPB 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**

### **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 or permit 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 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 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 in 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 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, the 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 C.G.S. 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 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, and the **City of Stamford Code of Ordinances sec. 6-26, as may apply**.
- 16.2 Notice of such appeal shall be served upon the Board and **upon** the Commissioner of Energy and Environmental Protection.

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

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

### **Section 18 Other Permits**

- 18.1 Nothing in these Regulations shall obviate the 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 19**

### **Fees**

- 19.1 No application shall be deemed complete or approved unless and until all fees are paid in full as determined by EPB staff 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 City of Stamford Board of Representatives and may be amended from time to time.
- 19.3 All fees required by these Regulations shall be submitted to the EPB 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 20**  
**Effective Date**

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, following approval by the Stamford Board of Representatives in accordance with Chapter 6, Article V, section 6-24C. of the **City of** Stamford Code of Ordinances.