

INLAND WETLANDS AND WATERCOURSES REGULATIONS OF THE
CONSERVATION COMMISSION
OF THE
CITY OF BRISTOL, CT

Amended to: Effective date 5-3-2021
Adopted: August 13, 1973

Table of Contents

SECTION 1 – TITLE AND AUTHORITY	3
SECTION 2 – DEFINITIONS	3
SECTION 3 – INVENTORY OF REGULATED AREAS	6
SECTION 4 – PERMITTED USES AS OF RIGHT AND NONREGULATED USES.....	6
SECTION 5 – ACTIVITIES REGULATED BY THE STATE	8
SECTION 6 – REGULATED ACTIVITIES TO BE LICENSED.....	8
SECTION 7 – APPLICATION REQUIREMENTS	9
SECTION 8 – APPLICATION PROCEDURES.....	12
SECTION 9 – PUBLIC HEARINGS.....	13
SECTION 10 – CONSIDERATIONS FOR DECISION	14
SECTION 11 – DECISION PROCESS AND PERMIT	16
SECTION 12 – [RESERVED].....	18
SECTION 13 – BOND	18
SECTION 14 – ENFORCEMENT	19
SECTION 15 – AMENDMENTS.....	19
SECTION 16 – APPEALS.....	21
SECTION 17 – CONFLICT AND SEVERANCE	21
SECTION 18 – OTHER PERMITS.....	21
SECTION 19 - FEE SCHEDULE	21
SECTION 20 – [Reserved].....	21
SECTION 21 – EFFECTIVE DATE OF THESE REGULATIONS	21
SECTION 22 – ASSESSMENT RELIEF	22
SECTION 23 – STATE REPORT	22

SECTION 1 – TITLE AND AUTHORITY

- 1.1 These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the City of Bristol."
- 1.2 These regulations have been prepared and adopted and may be amended, from time to time, in accordance with the provisions of the Sections 22a-36 through 22a-45 of the Connecticut General Statutes by the Bristol Conservation Commission, as authorized by ordinance of the Bristol City Council meeting on March 6, 1973.
- 1.3 The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the public health, welfare and safety. It is, therefore, the purpose of these regulations to implement the provisions of the Inland Wetlands and Watercourses Act of the State of Connecticut and to protect the citizens of Bristol, Connecticut, 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 potable fresh water supplies from danger of drought, overdraft, pollution, misuses and mismanagement by providing an orderly process to balance the need for economic growth of the City of Bristol, Connecticut, and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the City of Bristol, Connecticut, the safety of such natural resources for their benefit and enjoyment of generations yet unborn.
- 1.4 Pursuant to the General Statutes of the State of Connecticut, the Agency shall enforce all provisions of the Inland Wetlands and Watercourses Act and shall grant, grant with conditions, or deny all regulated activities on inland wetlands and watercourses in the City of Bristol pursuant to Sections 22a-36 through 22a-45, inclusive, of the Connecticut General Statutes, as amended.

SECTION 2 – DEFINITIONS

- 2.1 As used in these regulations:
 - a. "Act" means the Inland Wetlands and Watercourses Act, Section 22a-36 through 22a-45 of the General Statutes, as amended.
 - b. "Agency" means the Inland Wetlands and Watercourses Agency of the Conservation Commission of the City of Bristol, Connecticut.
 - c. "Clear cutting" means the harvest of timber products in a fashion which removes all species of trees down to a two (2) inch diameter at breast height.
 - d. "Commission member" means a member of the Agency.
 - e. "Commissioner of Environmental Protection" means the commissioner of the State of Connecticut Department of Environmental Protection.
 - f. "Deposit" includes, but shall not be limited to fill, grade, dump, place, discharge or emit.
 - g. "Discharge" means emission of any water, substance, or material into wetlands or watercourses whether or not such substance causes pollution.
 - h. "Disturbing the natural and indigenous character of the land" means that the activity will significantly alter the inland wetland and watercourses by reason of removal or deposition of material, clear cutting, alteration or obstruction of water flow, or will result in the pollution of the wetland or watercourse.
 - i. "Feasible" means able to be constructed or implemented consistent with sound engineering principles.

- j. "Permit" means the whole or any part of any license, certificate or approval or similar form of permission which may be required of any person by the provisions of these regulations under the authority of the Agency.
- k. "Permittee" means the person to whom such permit has been issued.
- l. "Material" means any substance, solid or liquid, organic or inorganic, including but not limited to: soil, sediment, aggregate, land, gravel, clay, bog, mud, debris, sand, refuse or waste.
- m. "Municipality" or "city" means the City of Bristol, Connecticut.
- n. "Nurseries" means land used for propagating trees, shrubs or other plants for transporting, sale, or for use as stock for grafting.
- o. "Person" means any person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.
- p. "Pollution" means the harmful thermal effect or the contamination or the rendering unclean or impure of any waters within the city caused by, but not limited to, erosion or any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as to directly or indirectly come into contact with any waters.
- q. "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 prudent.
- r. "Regulated Activity" (i) means any operation within or use of a wetland or watercourse involving removal or deposition of material; or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, (ii) and any earth moving, filling, construction, clearcutting of trees or installation of septic systems within one hundred (100) feet of wetlands or watercourses or within 200 feet of a watercourse as defined by a pond or lake with a surface area greater than 5 acres (reservoirs, Jacklin Lake, Indian Lake, Birge Pond, Pine Lake, Cedar Lake). Since the environmental impact of proposed activity may, in some instances, come from outside the physical boundaries of a wetland or watercourse, the intent of (ii) is to regulate these adjacent areas and thereby implement the statutory authority necessary to effectuate the legislative purpose set forth in the Connecticut General Statutes Section 22a-36 and regulation 1.3; (iii) means the construction of or alteration of ponds; (iv) means any construction to alter or create a wetland; (v) but shall not include the specified activities in Section 4 of these regulations.
- s. "Regulated Area" means any wetlands or watercourses as defined in these regulations.
- t. "Remove" includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, grub, clear cut timber, bulldoze, dragline or blast.
- u. "Rendering unclean or impure" means any alteration of the physical, chemical or biological properties of any waters within the city, including, but not limited to, change in odor, color, turbidity or taste.
- v. "Significant activity" means any activity, including but not limited to, the following activities which may have a major effect or substantial impact on the area for which an application has been filed or on another part of an inland wetland or watercourse system:
 - (i) any activity involving deposition or removal of material which will or may have a substantial effect or significant impact on the regulated area or on another part of the inland wetland or watercourse system, or
 - (ii) any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system, or
 - (iii) any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to support desirable fisheries, wildlife, or other biological life, prevent flooding, supply water, assimilate waste, facilitate drainage, provide recreation or open space or other functions, or

- (iv) any activity which causes substantial turbidity, siltation or sedimentation in a wetland or watercourse, or
- (v) any activity which causes a substantial diminution of flow of a natural watercourse, or groundwater levels of the regulated area, or
- (vi) any activity which causes or has the potential to cause pollution of groundwater, a wetland or watercourse, or
- (vii) any activity which creates conditions which may adversely affect the health, welfare and safety of any individual or the community, or
- (viii) any activity which destroys a wetland or watercourse.

w. "Soil Scientist" means an individual duly qualified in accordance with standards set by the Federal Office of Personnel Management.

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

y. "Waste" means sewage or any natural or man-made substance, liquid, gaseous, solid or radioactive, hazardous waste, or toxic waste which may pollute or tend to pollute any of the waters of the city.

(i) Hazardous waste includes material which may pose a present or potential hazard to human health or the environment including without limitation hazardous waste identified and listed in the Code of Federal Regulations Part 261.30 through 261.33, as amended or as superseded by subsequent regulation, or which meet the criteria outlined in Part 261.20 through 261.24 of said Code.

(ii) Toxic waste includes substances shown in scientific studies to have toxic, carcinogenic, mutagenic or teratogenic effects on humans and other life forms.

z. "Watercourses" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the Town or any portion thereof not regulated pursuant to Section 22a-28 through 22a-35, inclusive. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (a) evidence of scour or deposits of recent alluvium of 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.

(i) Bogs are usually distinguished by evergreen trees and shrubs underlain by peat deposits, poor drainage, and highly acidic conditions.

(ii) Marshes are distinguished by the absence of trees and shrubs and the dominance of soft-stemmed herbaceous plants. The water table in marshes is at or above the surface throughout the year, but seasonal fluctuations are encountered and areas of open water six inches or more in depth are common.

(iii) Swamps are dominated by wetland trees and shrubs. Red maple is the most characteristic tree of the wooded swamps, with black gum and black ash as frequent associates. A conspicuous shrubbery understory of highbush blueberry, spicebush, sweet pepperbush, clammy azalea and other wetland shrubs may be present and a rich diversity of wildflowers such as marsh-marigold, skunk-cabbage, jewelweed, violets, and cardinal flower may also be present. Shrub swamps represent another swamp type, where alders, willows, buttonbush and other shrubs can form relatively pure or mixed stands. Occasionally trees may be associated with a shrub swamp. However, a high water table often favors certain shrubs, such as buttonbush, over trees. In swamps the underlying deposits are often relatively shallow and usually highly organic. Swamps may develop through the gradual invasion of marshes by woody species or directly, as in poorly drained depressions.

(iv) Vernal pools are small bodies of standing fresh water that are most obvious in the landscape during the spring of the year and shall have the following characteristics:

(A) contains water for a minimum of two months during the growing season, usually the spring,

- (B) occurs within a confined depression or basin that lacks a permanent outlet stream,
- (C) lacks a fish population,
- (D) dries out most years, usually by late summer,
- (E) serves as a habitat for one or more obligate species. Obligate species shall include, but are not limited to, fairy shrimp, spotted salamander, eastern spadefoot toad, Jefferson salamander, marbled salamander, and wood frog.

The regulatory boundary of a vernal pool shall be defined as the lower of (A) and (B) or the elevation as defined by (C) below:

- (A) the maximum elevation of a topographical depression that holds water for a minimum of two (2) continuous months,
- (B) the maximum observed or recorded water level in a topographical depression,
- (C) the maximum water elevation based on a theoretical one year storm of a total of 2.6 inches of water in 24 hours taking into account the ground water that the basin is holding at the beginning of the spring amphibian breeding season.

aa. "Wetlands" means land, including submerged land not regulated pursuant to Section 22a-28 to 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 Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture. Such areas may include filled, graded, or excavated sites which possess an aquatic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey. Wetlands shall be delineated by a Soil Scientist, geologist, or ecologist.

SECTION 3 – INVENTORY OF REGULATED AREAS

- 3.1 The map of regulated areas entitled "Inland Wetlands and Watercourses Map, Bristol, Connecticut" delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection at the office of the Inland Wetlands Agency. In all cases, the precise location of regulated areas shall be determined by the actual character of the land, the distribution of wetland soil types and location of watercourses. The Agency may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations or other information in determining the location of the boundaries of wetlands and watercourses.
- 3.2 Any property owner who disputes the designation of any part of his or her land as a regulated area on the Inland Wetlands and Watercourses Map, may petition the Agency to change the designation. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall provide proof that the designation is inapplicable. Documentation in accordance with Section 15 of these regulations may be required of the property owner when the Agency requires an accurate delineation of regulated areas.
- 3.3 The Inland Wetlands and Watercourses Agency or its designated agent(s) shall monitor and maintain general surveillance of all regulated areas.

SECTION 4 – PERMITTED USES AS OF RIGHT AND NONREGULATED USES

- 4.1 The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:
 - a. Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essentially to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this subdivision shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;
 - b. A residential home (A) for which a building permit has been issued or (B) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the

effective date of the promulgation of the municipal regulations pursuant to subsection (b) of section 22a-42a, or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subdivision unless the permit was obtained on or before July 1, 1987. The applicant shall be prepared to document the validity of said permit by providing a certified copy of the building permit and approved site plan showing proposed and existing topographic contours, house and well locations, septic systems, driveways approval dates or other information;

- c. Boat anchorage or mooring, not to include dredging or dock construction;
 - d. Uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality and containing a residence. Such incidental use shall include maintenance of existing structures, landscaping involving planting of trees and shrubs, fences, signs, but shall not include excavation for such incidental use of more than a total of ten (10) cubic yards of material from a regulated wetland or watercourse, or diversion or alteration of a watercourse; or deposition of no more than a total of ten (10) cubic yards of material into a regulated wetland or watercourse, or diversion or alteration of a watercourse; or combination thereof;
 - e. Construction and operation, by water companies as defined by Section 16-1 or by municipal water supply systems as provided for in Chapter 102 of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in Sections 22a-401 through 22a-410 of the General Statutes;
 - f. Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to Section 22a-42a or July 1, 1974, whichever is earlier, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For purposes of this 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.
- 4.2 The following operations and uses shall be permitted as a nonregulated use in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:
- a. Conservation of soil, vegetation, water, fish, shellfish, and wildlife. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife and silviculture management practices;
 - b. Outdoor recreation including play and sporting areas, golf courses, field trails, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water-skiing, trapping, hunting, fishing, shellfishing and cross-country skiing where otherwise legally permitted and regulated.
 - c. The installation of a dry hydrant by or under the authority of a municipal fire department, provided such dry hydrant is only used for firefighting purposes and there is no alternative access to a public water supply. For purposes of this section, "dry hydrant" means a non-pressurized pipe system that: (A) is readily accessible to fire department apparatus from a proximate public road, (B) provides for the withdrawal of water by suction to such fire department apparatus, and (c) is permanently installed into an existing lake, pond or stream that is a dependable source of water.
- 4.3 All activities in wetlands or watercourses involving filling, excavation, dredging, clear cutting, grading and excavation, or any other alteration or use of a wetland or watercourse not specifically permitted by this section, shall require a permit from the Agency in accordance with Section 6 of these regulations.
- 4.4 To carry out the purposes of this section, any person proposing to carry out a permitted or nonregulated operation or use of a wetland or watercourse shall, prior to commencement of such operation or use, notify the Agency on a form provided by it, and provide the Agency with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or nonregulated use of the wetland or watercourse. The Agency, or its designated agent, shall rule that the proposed operation or use is a permitted or nonregulated use or operation or that a regular permit is required. Such ruling shall be in writing and shall be made no later than the next regular scheduled meeting of the Agency following the meeting at which the

request was received. The designated agent for the Agency may make such ruling on behalf of the Agency at any time. The Bristol Inland Wetlands Agency hereby designates the technical advisor to the Inland Wetlands Agency, as determined by the Public Works Department, as its designated agent to act with authority to determine whether a proposed operation or use is a permitted or nonregulated use or operation under Section 4 of the Bristol Inland Wetlands Regulations, and to make such rulings thereunder, with the following limitations and guidance:

- a. That no such determination or ruling shall authorize more than ten (10) cubic yards of excavation or fill or combination thereof within a two (2) year period at any site.
- b. That the delegation to make such determinations and rulings under Paragraph 1.d of Section 4, allowing "uses incidental to the enjoyment and maintenance of residential property", is made to encourage the exercise of good judgment and discretion of the designated agents, particularly, but not limited to, to permit those uses or operations that involve the removal or deposition of material ~~in, or~~ within 100 feet of a wetlands or watercourse and the uses or operations for the construction of additions to primary residences or freestanding accessory structures normally incidental to the use of pre-existing residential structures. Actual field conditions, land cover, slopes and drainage patterns, past and current soil scientist reports, geotechnical information, and other pertinent existing condition information may be considered in this determination.
- c. Any person receiving such approval from the agent shall, within ten days of the date of such approval, publish, at the applicant's expense, notice of the approval in a newspaper having a general circulation in the City of Bristol where the activity will take effect. Any person may appeal such decision of such agent to the Inland Wetlands Agency within 15 days of the publication date of the notice and the Inland Wetlands Agency shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than 3 business days after receipt by such agency or its agent of such appeal. The Inland Wetlands Agency shall, at its discretion, sustain, alter, or reject the decision of its agent or require an application for a permit addressed to the agency itself.
- d. Such delegation of authority can be modified at any time by the Agency.

SECTION 5 – ACTIVITIES REGULATED BY THE STATE

5.1 The Commissioner of the Environmental Protection shall regulate activities in or affecting wetlands or watercourses subject to the following jurisdiction:

- a. Construction or modification of any dam pursuant to Sections 22a-410 of the General Statutes, as amended;
- b. Construction or placement of any obstruction within stream channel encroachment lines pursuant to Sections 22a-342 through 22a-349 of the General Statutes, as amended;
- c. Diversion of water in excess of fifty thousand (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 Sections 22a-365 through 22a-378 of the General Statutes, as amended;
- d. Discharges into the waters of the state pursuant to Section 22a-430 of the General Statutes, as amended;
- e. 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 Agency.

- 6.2 The Agency shall regulate any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetlands or watercourses and any other regulated activity, unless such operation or use is permitted or non-regulated pursuant to Section 4 of these regulations.
- 6.3 Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Agency or violating any other provision of these regulations shall be subject to the enforcement proceedings and penalties prescribed in Section 14 of these regulations and any other remedies as provided by law.

SECTION 7 – APPLICATION REQUIREMENTS

- 7.1 Any person wishing to undertake a regulated activity shall apply for a permit on a form provided by the Agency. An application shall include an application form, such number of site plans as required by the Agency and such information as prescribed by Section 7.3 and, in the case of a significant activity, by Section 7.4 of these regulations. Application forms may be obtained in the office of the Agency.
- 7.2 No such application shall be deemed complete unless it shall be in such form and contain such information as the Agency deems necessary for a fair and informed determination of the issues. The Agency shall inform the applicant of such necessary information.
- 7.3 All applications shall include the following information in writing:
- a. The applicant's name, home and business address and telephone numbers;
 - b. The owner's name, address and telephone number and written consent if the applicant is not the owner of the property involved in the application;
 - c. 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 inland wetlands and watercourses, area(s) of wetland or watercourse disturbance, soil types(s) and vegetation;
 - d. The purpose and a description of the proposed activity;
 - e. Alternatives considered by the applicant and why the proposal to alter wetlands set forth in the application was chosen;
 - f. A site plan showing existing and proposed conditions in relation to wetlands and watercourses;
 - g. Names and addresses of adjacent property owners;
 - h. Certification that the applicant is familiar with the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;
 - i. Certification of the present flow of storm water for a 50 year storm and the flow which would result from the proposed activity. In addition, the Agency may require certification of existing flows and determination of flow which would result from the proposed activity associated with a 2, 5, 10, 25 and 100 year storm event.
 - j. Submit a feasible and prudent stormwater management plan to minimize site runoff. The goal of the plan shall be to provide no increase in the peak rate of stormwater runoff.
 - k. Authorization for the commissioners and agents of the Agency to inspect the property, at reasonable times, both before and after a final decision has been issued;
 - l. Any other information the Agency deems necessary to the understanding of what the applicant is proposing;

m. Submission of the appropriate filing fee as established by the Agency.

7.4 If the proposed activity involves a significant activity as defined in Section 2.1 of these regulations, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following may be required.

- a. Site plans for the proposed use or operation and the property which will be affected, which show existing and proposed conditions, wetland and watercourse boundaries, land contours, boundaries of land ownership, proposed alterations and uses of the wetlands and watercourses, and other pertinent features of the development drawn by a licensed surveyor, professional engineer or architect registered in the State of Connecticut or by such other person acceptable to the Agency;
- b. Engineering reports and analyses and additional drawings to fully describe the proposed project and any filling, excavation, drainage or hydraulic modifications to watercourses;
- c. Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Soil Conservation Service;
- d. Description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed regulated activities on these communities and wetland functions;
- e. Description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application and with each alternative, and a description of why each alternative considered was deemed neither feasible nor prudent;
- f. Analysis of chemical and/or physical characteristics of any fill material;
- g. Measures which would mitigate the impact of the proposed activity. Such measures include, but are not limited to, plans or actions which avoid destruction or diminution of wetland or watercourse functions, recreational uses and natural habitats; which prevent flooding, degradation of water quality, erosion and sedimentation and obstruction of drainage; or which otherwise safeguard water resources;
- h. Analysis of chemical and/or physical characteristics of the wetlands or watercourses involved with the application.

7.5 The applicant shall certify whether:

- a. Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
- b. Traffic attributable to the completed project on the site will use streets within an adjoining municipality to enter or exit the site;
- c. Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality; or,
- d. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

7.6 The original application, site plans, filing fee and any other materials as may be required by the Agency shall be submitted to comprise a complete application.

7.7 Any application to extend the expiration date of a previously issued permit shall be filed with the Agency no later than sixty-five (65) days prior to the expiration date for the permit in accordance with Subsections 8.4 through 8.8 of these regulations. Any application for renewal or extension shall be made in accordance with this section provided:

- a. The application may incorporate by reference the documentation and record of the original application;

- 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 described therein, including, but not limited to, the state of 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 conservation restriction or a preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction, including but not limited to, any state agency that holds such restriction, not later than sixty days prior to the filling of the permit application.
 - d. in lieu of such notice pursuant to section 7.9c, 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 a permit shall be granted upon request of the permit holder unless the Agency finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no permit shall be valid for more than ten years, and b) no permit issued prior to July 1, 2006 or after July 1, 2009 may be valid for more than ten years, and further provided that any permit issued prior to July 1, 2011 that did not expire prior to May 9, 2011 shall be valid for no more than fourteen years.

SECTION 8 – APPLICATION PROCEDURES

- 8.1 All applications shall be filed in the Agency's office.
- 8.2 In the case of any application where any portion of the wetland or watercourse on which the regulated activity is proposed is within 500 feet of the boundary of an abutting town, the applicant shall give written notice of the proposed activity, certified mail return receipt requested, to the adjacent municipal inland wetlands and watercourses agency on the same day of filing an inland wetlands and watercourses permit application with this Agency. Documentation of such notice shall be provided to this Agency.
- 8.3 The Agency shall notify the clerk of any adjoining municipality of the pendency of any application to conduct a regulated activity when:
- a. Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
 - b. A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
 - c. A significant portion of the sewer or water drainage from the project site will flow through and significantly impact the sewage or drainage system within the adjoining municipality; or,
 - d. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Notice of the pendency of such application and a copy of said 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. No hearing shall be conducted on any application, petition, request or plan until the adjoining town has received the notice required under this section.

- 8.4 The date of receipt of any application shall be the day of the next regularly scheduled meeting of the Agency immediately following the day of submission to the Agency or thirty-five days after such submission, whichever is sooner.

- 8.5 At any time during the review period, the Agency may require the applicant to provide additional information about the regulated area or regulated activity which is the subject of the application, or wetlands or watercourses affected by the regulated activity.
- 8.6 If a public hearing is to be held on any application for a permit, all documentary evidence in support of the application shall be filed with the Agency and available for public inspection no less than ten (10) days prior to the day of the hearing or any reconvening thereof.
- 8.7 All applications shall be open for public inspections.
- 8.8 Incomplete applications may be denied.
- 8.9 When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in Section 16-1 of the General Statutes, the applicant shall provide written notice of the application to the water company provided such water company has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of the application. The water company, through a representative, may appear and be heard at any hearing on the application.

SECTION 9 – PUBLIC HEARINGS

- 9.1 The Agency shall not hold a public hearing on an application unless the Agency determines that the proposed activity may have a significant impact on wetlands or watercourses or a petition signed by at least twenty-five persons who are eighteen years of age or older and who reside in the municipality in which the regulated activity is proposed, requesting a hearing is filed with the Agency not later than fourteen days after the date of receipt of such application or the Agency finds that a public hearing regarding such application would be in the public interest. The Agency may issue a permit without a public hearing provided no petition provided for in this section is filed with the Agency on or before the fourteenth day after the date of receipt of the application. Such hearing shall be held no later than sixty-five days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. Any person or persons may appear and be heard or may be represented by agent or by attorney at any public hearing.
- 9.2 The Agency shall publish a notice of a public hearing in a newspaper having a general circulation in the municipality where the regulation, map, or regulated activity that is the subject of the hearing is located.
- a. Such notice shall be published at least twice, at intervals of not less than two days.
 - b. The first notice shall be published between ten and fifteen days before the date of the public hearing.
 - c. The second notice shall be published not less than two days before the date of the public hearing.
 - d. The notice shall contain specific information, including but not be limited to, the public hearing date, time, and location, and a summary of the proposed regulated activity or action.
- 9.3 A sign or signs must be posted on the premises which is the subject of the application at least fifteen (15) days before the hearing or any reconvening thereof and must be removed within ten (10) days after completion of the hearing or any rehearing thereof. The sign shall be so located on the property so as to be visible and readable from the street(s) or highway(s) that the property fronts on. The sign must be no more than 5 feet off the street line and must be readable for the full time of the required posting. The sign shall be a 4 feet by 4 feet. Printed lettering shall be black on a yellow background. The wording and size of lettering shall be as follows:

INLAND WETLANDS APPLICATION	(3" letters)
PLACE: City Hall	(2" letters)
DATE	(2" letters)
FOR ADDITIONAL INFORMATION, CALL 860-584-6225	(2" letters)

The sign must be legible in block or printed letters not less than the sizes shown above. The sign shall be prepared and erected by the applicant at a cost to be borne by the applicant.

If the opening of the hearing is postponed, the date on the sign shall be revised to indicate the date of the rescheduled hearing. Such revision shall be made to the sign at least fifteen (15) days before the rescheduled hearing.

SECTION 10 – CONSIDERATIONS FOR DECISION

10.1 The Agency may consider the following in making its decision on an application:

- a. The application and its supporting documentation;
- b. Public comments, evidence and testimony from a public hearing;
- c. Reports from other agencies, departments and commissions including but not limited to those of the City of Bristol;
- d. The Agency may also consider comments on any application from the CT Conservation District, the Connecticut Regional Council of Government or other regional organizations; 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.
- e. Non-receipt of comments from agencies, departments and commissions listed above within the prescribed time shall neither delay nor prejudice the decision of the Agency.

10.2 Factors for Consideration; Finding of No Feasible or Prudent Alternative

In carrying out the purposes and policies of Sections 22a-36 to 22a-45a, inclusive, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Agency shall take into consideration all relevant facts and circumstances, including but not limited to:

- a. The environmental impact of the proposed 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:
 - (i) prevent or minimize pollution or other environmental damage,
 - (ii) maintain or enhance existing environmental quality, or,
 - (iii) 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 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 Inland Wetlands Agency that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Agency finds on the basis of the record that a feasible and prudent alternative does not exist. In making the finding, the Agency shall consider the facts and circumstances set forth in subsection 10.2. The finding and the reasons therefore shall be stated on the record in writing.
- 10.4 In reaching its decision on any application after a public hearing, the Agency shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Agency in its decision. A conclusion that a feasible and prudent alternative does not exist does not create a presumption that a permit should be issued. The applicant has the burden of demonstrating that his application is consistent with the purposes and policies of these regulations and sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes.
- 10.5 In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the Agency shall propose on the record in writing the types of alternatives which the applicant may investigate provided this subsection shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity.
- 10.6 For purposes of this section, (1) "wetlands or watercourses" includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (2) "habitats" means areas or environments in which an organism or biological population normally lives or occurs.
- 10.7 A municipal inland wetlands agency shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.
- 10.8 For development of the regulated area in and around a vernal pool, the Commission may consider the following:
- a. The physical characteristics of the vernal pool depression shall remain undisturbed. There may be no cutting, heavy equipment operation, grading, or clearing in the vernal pool depression at any time of the year unless approved by the Commission.
 - b. Disturbance of the regulated area around the vernal pool shall be minimized. All disturbances within the regulated area shall be approved by the Commission.
 - c. No work that would affect the physical characteristics of the pool is to occur in the pool and regulated area between the dates of February 15th to July 31st.
 - d. Maintain overland and ground water flow to the vernal pool. Point discharges directly to the vernal pool depression will be prohibited without the specific approval of the Commission.
 - e. The use of fertilizers and pesticides without written approval of the Commission is prohibited within the regulated area.
 - f. The construction of a detention / drainage facility shall have no short or long term impact to vernal pools.
 - g. If multiple pools are present and located within close proximity to each other, the establishment of an undisturbed conservation area connecting the vernal pools is recommended within the regulated area.
 - h. Detailed erosion and sedimentation control plans will be required in the areas of the vernal pools.

- i. The controlled removal of invasive species along with the replacement of invasive plants with native plants is encouraged. Removal and restoration plans require Commission approval.
 - j. If required by the Commission, the applicant shall provide a written certification by a qualified Registered Soil Scientist, geologist, or ecologist that no vernal pools are located within the regulated area of the proposed activity.
- 10.9 If required by the Agency, signs delineating the City of Bristol Inland Wetland Easement shall be located a minimum of thirty (30) feet apart or at a change of direction unless otherwise approved by the Engineering Department.
- A minimum of three (3) signs per lot shall be provided. Signs shall be installed on 4" x 4" posts constructed of Treks wood polymer lumber or an approved equal. Posts shall be installed a minimum of four (4) feet above grade and three-and-one-half (3.5) feet below grade. Signs shall read "City of Bristol Inland Wetland Easement."
- 10.10 In the case of an application where the applicant has provided written notice pursuant to subsection 7.9c of these regulation, the holder of the restriction may provide proof to the inland wetlands agency that granting of the permit application will violate the terms of the restriction. Upon a finding that the requested land use violates the terms of such restriction, the inland wetlands agency shall not grant the permit approval.
- 10.11 In the case of an application where the applicant fails to comply with the provisions of subsection 7.9c or 7.9d of these regulations, (1) the party holding the conservation or preservation restriction, other than a state agency that holds such restriction, may, not later than 15 days after receipt of actual notice of permit approval, file an appeal with the inland wetlands agency, subject to the rules and regulations of such agency relating to appeals. The inland wetlands agency shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction; or (2) the state agency that holds such restriction may, not later than thirty days after receipt of actual notice of permit approval, file an appeal with the inland wetlands agency, subject to the rules and regulations of such agency relating to appeals. The inland wetlands agency shall immediately reverse such permit approval if the commissioner of the state agency that holds such restriction certifies that the land use authorized in such permit violates the terms of such conservation or preservation restriction.
- 10.12 Nothing in subsection 7.9c or 7.9d of these regulation 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 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 Agency may grant the application as filed; grant it upon such terms, conditions, limitations or modifications necessary to carry out the purposes of the Act; or deny it. 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 agency, or its agent, determines that such restrictions are necessary to carry out the policy of sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes.
- 11.2 No later than sixty-five (65) days after receipt of an application, the Agency may hold a public hearing on such application. At such hearing any person or persons may appear and be heard and may be represented by agent or attorney. The hearing shall be completed within thirty-five (35) days of its commencement and 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 for the holding of the hearing and for action on such application, provided the total extension of any such period shall not be for longer than sixty-five (65) days, or may withdraw such application. Failure of the Inland Wetlands Agency to act within the time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Agency shall be withdrawn by the applicant or denied by the Agency.

- 11.3 The Agency shall state upon its record the reasons and bases for its decision and, in the case of any public hearing, such decision shall be based fully on the record of such hearing and shall be in writing.
- 11.4 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 Agency shall propose on the record in writing the types of alternatives which the applicant may investigate. The requirement shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity.
- 11.5 The Agency shall notify the applicant and any named parties to the proceeding of its decision within fifteen (15) days of the date of the decision by certified mail and the Agency shall cause notice to its order in the issuance or denial of the permit, in a newspaper having general circulation in the city. A copy of all Agency decisions shall be forwarded to the Commissioner of Environmental Protection in such a form as prescribed by the Commissioner. In any case in which such notice is not published within such fifteen-day period, the applicant may provide for the publication of such notice within ten days thereafter.
- 11.6 Any permit issued by the Agency for the development of land for which an approval is required under chapter 124, 124b, 126 or 126a of the Connecticut General Statutes shall be valid until the approval granted under such chapter expires or for ten years, whichever is earlier. Any permit issued by the Agency for any activity for which an approval is not required under chapter 124, 124b, 126 or 126a shall be valid for not less than two years and not more than five years.
- 11.6.1 Notwithstanding the provisions of 11.6 of these regulations, any permit issued by the Agency prior to July 1, 2011 that was in effect and did not expire prior to May 9, 2011 shall be valid for a period not less than nine years after the date of such approval.
- 11.7 If an activity authorized by the inland wetland permit also involves an activity or project which requires zoning or subdivision approval, a special zoning permit, variance or special exception, a copy of the Agency's decision and report on the application shall be forwarded to the respective Commission.
- 11.8 If the Agency grants a permit with terms, condition, limitations or modifications, the applicant may attempt to modify the proposal to the Agency's satisfaction. The Agency shall determine whether the proposed modification requires the filing of a new application. The rejection of a modified or corrected application by the Agency shall be equivalent to the denial of an application for purposes of appeal.
- 11.9 If the Agency denies a permit, the application may be resubmitted if there has been a material change in the plan or other facts or circumstances to warrant reconsideration.
- 11.10 All permit conditions shall be the responsibility of the original applicant unless otherwise approved by the Commission or its duly authorized agent(s). All requests to transfer permits shall include the following:
- a. The grantor(s) name, address and telephone numbers.
 - b. The grantee(s) name, address and telephone numbers.
 - c. Certification that the grantee(s) is aware with the information provided in the permit requirements and conditions imposed by the permit.
 - d. The existing permit, or portion thereof, must be in conformance with all regulations and conditions of approval immediately prior to and at the time of transfer.
 - e. A fee as established by the Commission.
- All applicable conditions and requirements of the permit shall be the responsibility of the new applicant.
- 11.11 If a bond is required in accordance with Section 12 of these regulations, no permit shall be issued until such bond is provided.
- 11.12 General provisions in the issuance of all permits:

- a. In evaluating applications in which the Agency relied in whole or in part on information provided by the applicant, if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked.
 - b. All permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Agency or the City of Bristol, 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 property or activity.
 - c. If the activity authorized by the inland wetland permit also involves an activity or a project which requires zoning or subdivision approval, special permit, variance or special exception, no work pursuant to the wetland permit may begin until such approval is obtained.
 - d. The permittee shall employ construction management practices, consistent with the terms and conditions of the permit, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses in accordance with the "Connecticut Guidelines for Soil Erosion and Sediment Control" prepared by The Connecticut Council on Soil and Water Conservation, which plan shall be submitted to and approved by the Agency or its designated agent(s) prior to the initiation of any activity. The disturbed area shall be revegetated within a period of time determined by the Agency.
- 11.13 The Agency or its duly authorized agent(s) shall compare permits issued by the Agency to those issued by the building department or any other city agency, department or commission to monitor compliance.

11.14 Notice of the permit and its conditions or stipulations shall be filed on the land records of the City of Bristol.

SECTION 12 – [RESERVED]

SECTION 13 – BOND

- 13.1 Upon approval of the application and prior to issuance of a permit, the applicant may, at the discretion of the Agency, be required to file a bond or other surety in a form approved by the Agency.
- 13.2 The bond or surety shall be conditioned on compliance with all provisions of these regulations and the terms, conditions and limitations established in the permit.
- 13.3 In determining the necessity and amount of any bond or security, the Agency may consider criteria which include:
- a. Guaranteeing the structural integrity of any man-made structures designed to control the flow, amount or retention of water such as detention ponds, dams, berms, swales, etc.;
 - b. Any activity involving the deposition of or the removal of 100 cubic yards or more of material within a regulated area or any deposition that will have a substantial adverse effect on the regulated area or on another part of the wetlands or watercourses;
 - c. Any activity which may substantially change the natural channel of a watercourse system;
 - d. Any activity which may diminish substantially the natural capacity of a watercourse or an inland wetland to support desirable biological life, prevent flooding, supply water, and/or facilitate drainage; and/or,
 - e. Any activity which may result in degrading a watercourse, surface water, ground water or an inland wetland, such degradation to be measured by standards of the water compliance division of the Department of Environmental Protection, where applicable.

13.4 On any construction site involving a regulated activity the bond will not be released until it has been inspected and approved by the Agency or its duly appointed agent.

SECTION 14 – ENFORCEMENT

14.1 The Agency may appoint an agent or agents to act in its behalf with the authority to inspect property, except a private residence, and issue notices of violations and carry out other actions or investigations necessary for the enforcement of these regulations.

14.2 The Agency or its agent may make regular inspections of all regulated activities for which permits have been issued under these regulations.

14.3 In the case in which a permit has not been issued or a permit has expired, the Agency or its agent may make regular inspections at reasonable hours with the consent of the property owner or authorized agent of the property owner.

14.4 If the Agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or of these regulations, the Agency may:

- a. issue a written order by certified mail, return receipt requested to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) days of the issuance of such order the Agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Agency shall consider the facts presented at the hearing and within ten days of the completion of the hearing, notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Agency shall publish notice of its decision in a newspaper having general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the Agency affirms, revises or withdraws the order. The issuance of an order pursuant to this section shall not delay or bar an action pursuant to Section 22a-44(b) of the General Statutes, as amended.
- b. issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating: the nature of the violation; the jurisdiction of the Agency; and prescribing the necessary action and steps to correct the violation. Such corrective action may include, without limitation: halting work in wetlands or watercourses; appearing at the next regularly scheduled meeting of the Agency to discuss the unauthorized activity; providing a written reply to the notice or filing a proper application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in subsection a of this section or other enforcement proceedings as provided by law.

14.5 The Agency may suspend or revoke a permit if it finds that the applicant has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking any permit or suspending any permit, the Agency shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. The agency shall hold a hearing to provide the permittee with the opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The Agency shall consider the facts presented at the hearing and notify the permittee of the Agency's decision to suspend, revoke, or maintain a permit by certified mail within fifteen (15) days of the date of its decision. The Agency shall publish notice of the suspension or revocation in a newspaper having general circulation in the municipality.

SECTION 15 – AMENDMENTS

15.1 These regulations and the Inland Wetlands and Watercourses Map for the City of Bristol may be amended, from time to time, by the Agency in accordance with changes in the Connecticut General Statutes or regulations of the State Department of Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available.

15.2 An application filed with an Inland Wetland Agency which is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetlands regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt and any appeal from the decision of such Agency with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such receipt. The provisions of this section shall not be construed to apply (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 this chapter as of the date of such receipt.

15.3 These regulations and the Inland Wetlands and Watercourses Map shall be amended in the manner specified in the General Statutes, as amended. The Agency shall provide the Commissioner of Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except determinations of boundaries, at least thirty-five days before the public hearing on their adoption.

15.4 Petitions requesting changes or amendments to the "Inland Wetlands and Watercourses Map, Bristol, Connecticut" shall contain at least the following information:

- a. the petitioner's name, address and telephone number;
- b. the address of the land affected by the petition;
- c. the petitioner's interest in the land affected by the petition;
- d. map(s) showing the geographic location of the land affected by the petition and the existing and the proposed wetland(s) and watercourse(s) boundaries documentation supporting such proposed boundary locations: and
- e. the reasons for the requested action.

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

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

15.6 Watercourses shall be delineated by a soil scientist, geologist, or ecologist.

15.7 A public hearing shall be held on petitions to amend the Inland Wetland and Watercourses Map. Notice of the hearing shall be published in a newspaper having substantial circulation in the municipality at least twice at intervals of not less than two days, the first not more than fifteen days nor less than ten days, and the last not less than two days, before the hearing. A copy of the proposed boundary change shall be filed in the Agency's office and the city clerk's office for public inspection at least ten days before such hearing.

15.8 Within sixty-five (65) days after receipt of a complete petition for a change in the mapped boundaries of any wetland or watercourse, the Agency shall hold a public hearing to consider the petition. The hearing shall be completed within thirty-five days after commencement. The Agency shall act upon the changes requested in such petition within sixty-five days after the close of the hearing. The petitioner may consent to one or more extensions of the periods specified in this subsection for the holding of the hearing and for action on such petition, provided the total extension of any such period shall not be for longer than sixty-five days, or may withdraw such petition. The failure of the Inland Wetlands Agency to act within any time period

specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the petition. The Agency shall provide a copy of the change to the Commissioner of Environmental Protection no later than ten (10) days after adoption.

15.9 The Agency shall make its decision and state the reasons why the change in the Inland Wetland and Watercourses Map was made in writing.

15.10 The city shall amend the Inland Wetlands and Watercourses Map within thirty (30) days after adoption of the amendment by the Agency.

SECTION 16 – APPEALS

16.1 Appeal of actions of the Agency shall be made in accordance with the provisions of the Connecticut General Statutes.

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

SECTION 17 – CONFLICT AND SEVERANCE

17.1 If there is a conflict between 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 or provision of these regulations shall not affect the validity of the remaining portions of these regulations. These regulations shall not supersede or obviate requirements of any other regulation or ordinance of the City. Where there is a conflict between the provisions of these regulations and those of any regulation administered by the Connecticut Department of Environmental Protection, the provisions of the regulation which imposes the most stringent standards for the use of the wetland or watercourse shall govern.

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

SECTION 18 – OTHER PERMITS

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

SECTION 19 - FEE SCHEDULE

19.1 All applications shall be accompanied by a fee based on a fee schedule set by the Inland Wetlands and Watercourses Agency of the City of Bristol, Connecticut.

SECTION 20 – [Reserved]

SECTION 21 – EFFECTIVE DATE OF THESE REGULATIONS

21.1 These regulations are effective upon filing in the Office of the City Clerk and publication of such filing in a newspaper having general circulation in the City of Bristol. These regulations for the protection and preservation of Inland Wetlands and

Watercourses are in conformity with the Department of Environmental Protection Guidelines, utilizing information provided by the Department of Environmental Protection and from the regulations of other Connecticut towns.

SECTION 22 – ASSESSMENT RELIEF

22.1 Any owner of wetlands and watercourses who is denied a permit in connection with a regulated activity affecting such wetlands and watercourses, shall upon written application to the Assessor or the Board of Tax Review of the City of Bristol, be entitled to a revaluation of such property to reflect the fair market value thereof, in light of the restriction placed upon it by denial of such permit, effective with respect to the next succeeding assessment list, provided no such revaluation shall be retroactive and the city may require as a condition, therefore the conveyance of a less than fee interest to it of such land pursuant to the provisions of Sections 7-131b to 7-131k, inclusive, of the Connecticut General Statutes, as amended.

SECTION 23 – STATE REPORT

23.1 A reporting form shall be completed during the application process which provides the commissioner of the state Department of Environmental Protection with information necessary to properly monitor the inventory of state wetlands. The reporting form shall be part of the application and specified sections shall be completed by the applicant. The sections shall include the following: name of applicant; name of the project; project description; area of wetlands and/or lineal feet of watercourse proposed to be altered.