INLAND WETLANDS
AND
WATERCOURSES REGULATIONS

Hamden, Connecticut

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Table of Contents

Section	Title	Page
1	Title and Authority	3
2	Definitions	4
3	Inventory of Inland Wetlands and Watercourses	8
4	Permitted Uses as of Right and Nonregulated Uses	9
5	Activities Regulated Exclusively by the Commissioner of Environmental Protection	10
6	Regulated Activities to be Licensed	11
7	Application Requirements	11
8	Application Procedures	15
9	Public Hearings	16
10	Considerations for Decision	16
11	Decision Process and Permit	20
12	Action by Duly Authorized Agent	22
13	Bond and Insurance	23
14	Enforcement	23
15	Amendments	24
16	Appeals	26
17	Conflict and Severance	26
18	Other Permits	27
19	Fees	27
20	Effective Date of Regulations	28
	Appendix	29

Section 1
Title and Authority

1.1 The inland wetlands and watercourses of the State of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life. Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the state of Connecticut and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the state for its citizens now and forever more. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. It is, therefore, the purpose of these regulations to protect the citizens of the state by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats 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.

1.2 These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the Town of Hamden.

1.3 The Inland Wetlands and Watercourses Commission of the Town of Hamden Connecticut was established in accordance with an ordinance adopted May 1, 2000 as the successor to the Hamden Conservation Commission established by the Legislative Council on April 2, 1974, and shall implement the purposes and provisions of these regulations and the Inland Wetlands and Watercourses Act in the Town of Hamden.__

1.4 These regulations have been adopted and may be amended, from time to time, in accordance with the provisions of the Inland Wetlands and Watercourses Act and these regulations.

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

Section 2
Definitions

2.1 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 Inland Wetlands and Watercourses Commission of the Town of Hamden.__

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

"Clear-cutting" means the harvest of timber in a fashion which removes all trees down to a two inch diameter at breast height.

“Commission Member” means a member of the Inland Wetland and Watercourses Commission of the Town of Hamden, alternatively known as the Agency.

"Commissioner of Environmental Protection" means the commissioner of the State of Connecticut Department of Environmental Protection.

"Continual flow" means a flow of water which persists for an extended period of time; this flow may be interrupted during periods of drought or during the low flow period of the annual hydrological cycle, June through September, but it recurs in prolonged succession.

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

“Designated Agent” means an individual(s) designated by the agency to carry out its functions and purpose.

"Discharge" means emission of any water, substance, or material into wetlands or watercourses of the state whether or not such substance 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 section 1-1(q) of the Connecticut General Statutes.

Connecticut General Statute section 1-1(q)
Except as otherwise specifically defined, the words “agriculture” and “farming” shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and

equipment, or salvaging timber or cleared land of brush or other debris left by storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoophouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term "aquaculture" means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.

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

"Intermittent watercourse" - see "Watercourse".

"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 these Regulations under the authority of the Agency.

"Management practice" means a practice, procedure, activity, structure or facility designed to prevent or minimize pollution or other environmental damage or to maintain or enhance existing environmental quality. Such management practices include, but are not limited to: erosion and sedimentation controls; restrictions on land use or development; construction setbacks from wetlands or watercourses; proper disposal of waste materials; procedures for equipment maintenance to prevent fuel spillage; construction methods to prevent flooding or disturbance of wetlands and watercourses; procedures for maintaining continuous stream flows; confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.

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

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

"Municipality" means the Town of Hamden.

"Non-Disturbance Buffer Zone" established pursuant to Section 10 of these Regulations, is the upland area adjacent to a wetland or watercourse that will remain undisturbed by construction, development or other regulated activity. Such buffer zones serve to improve water quality by,

among other things, filtering pollutants from stormwater runoff and reducing thermal impacts from such runoff. Therefore, the Agency shall require, at a minimum, a Non-Disturbance Buffer Zone encompassing the land area one hundred (100) feet from any wetland or watercourse as a condition of granting wetlands permits unless the applicant demonstrates through substantial evidence in the record that such activity within the 100-foot non-disturbance area does not pose an impact to the regulated area. Factors to be considered in determining the appropriate width of a buffer zone include but are not necessarily limited to the presence of steep slopes, the intensity of adjacent land use, soil erodibility, the size and characteristics of a watercourse (e.g. intermittent versus perennial), vegetation types and conditions, and whether the wetland/watercourse/floodplain is a tributary to a public water supply reservoir or lies within a public water supply watershed. The buffer zone shall be protected from site disturbance during and after construction and native vegetation shall be left in place to the maximum extent feasible.

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

"Permit" see license.

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

"Person" means any person, firm, partnership (limited or general), association (voluntary or other), 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 waters of the state by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters. This includes, but is not limited to, erosion and 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 regulated area involving removal or deposition of material, or any obstruction, construction, alteration, or pollution, of such wetlands or watercourses, but shall not include the specified activities 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 within the 200 foot upland review area is a regulated activity. The Agency may rule that any other activity located within such upland review area or in any other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.

“Regulated area” means any wetlands or watercourses as defined in these Regulations.

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

"Rendering unclean or impure" means any alteration of the physical, chemical or biological properties of any waters of the state, including, but not limited to, change in odor, color, turbidity or taste.

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

1. Any activity involving 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;
2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system;
3. 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;
4. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse;
5. Any activity which causes substantial diminution of flow of a natural watercourse or groundwater levels of the wetland or watercourse;
6. Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse; and
7. 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 standards set by the federal Office of Personnel Management.

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

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

"Town" means the Town of Hamden.

“Upland review area” means the area of land extending for a distance of two hundred (200) feet in all directions from any regulated area and in which any regulated activity is proposed. However, the Agency may extend such upland review area beyond such distance if a regulated activity has the potential to affect a regulated area. The upland review area of two hundred (200) feet is the minimum distance from a regulated area over which the Agency will exercise its authority under these Regulations.

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

"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 sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (a) evidence of scour or deposits of recent alluvium or detritus, (b) the presence of standing or flowing water for a duration longer than a particular storm incident, and (c) the presence of hydrophytic vegetation.

"Wetlands" means land, including submerged land as defined in this section, not regulated pursuant to sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and floodplain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

Section 3
Inventory of Inland Wetlands and Watercourses

3.1 The map of wetlands and watercourses entitled "Inland Wetlands and Watercourses Map, Hamden, 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 Town Clerk or the Agency. 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 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 person may petition the Agency for an amendment to the map. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall bear the burden of proof regarding the proposed map amendment. Such proof may include, but not be limited to aerial photography, remote sensing imagery, resource mapping or other available information. The Agency may require such person to provide an accurate delineation of regulated areas in accordance with section 15 of these regulations.

3.3 The Agency shall maintain a current inventory of regulated areas within the town. The Agency may amend its map as more accurate information becomes available.

3.4 All map amendments are subject to the public hearing process outlined in section 15 of these regulations.

Section 4
Permitted Uses as of Right & Nonregulated Uses

4.1 The following operations and uses shall be permitted within regulated areas, as of right, after notification to the Inland Wetlands and Watercourses Commission:

a. (i) grazing, farming, nurseries, gardening and harvesting of crops, and farm ponds of three acres or less essential to the farming operation, and (ii) 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 (i) for which a building permit has been issued or (ii) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of section 22a-42a, or as of July 1, 1974, which ever 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 individual claiming a use of wetlands permitted as a right under this subdivision shall document the validity of such right by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, septic system, driveway, approval dates or other necessary information to document the entitlement;

c. boat anchorage or mooring, not to include dredging or dock construction;

d. uses incidental to the enjoyment and maintenance of residential property. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of significant amounts of material from or onto a wetland or watercourse, or diversion or alteration of a watercourse;

e. construction and operation, by water companies as defined by section 16-1 of the Connecticut General Statutes or by municipal water supply systems as provided for in chapter 102 of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in sections 22a-401and 22a-403 of the Connecticut General Statutes; and

f. maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to section 22a-42a of the Connecticut General Statutes 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 subdivision, “maintenance” means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place.

4.2 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 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; and

b. outdoor recreation including play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing,

trapping, hunting, fishing and shellfishing and cross-country skiing where otherwise legally permitted and regulated.

4.3 All activities in or affecting wetlands or watercourses involving filling, excavating, dredging, clear cutting, clearing, or grading or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these regulations shall require a permit from the Agency in accordance with section 6 of these regulations, or for certain regulated activities located outside of wetlands and watercourses from the duly authorized agent in accordance with section 12 of these regulations.

4.4 To carry out the purposes of this section, any person proposing a permitted operation and use or a nonregulated operation and use shall, prior to commencement of such operation and use, notify the Agency on a form provided by it, and provide the Agency with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or nonregulated use of a wetland or watercourse. The Agency shall rule that the proposed operation and use or portion of it is a permitted or nonregulated operation and use or that the proposed operation and use is a regulated activity and a permit is required. Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the Agency following the meeting at which the request was received. The designated agent for the Agency may make such ruling on behalf of the Agency at any time.

Section 5
Activities Regulated Exclusively by the Commissioner of Environmental Protection

5.1 The Commissioner of Environmental Protection shall have exclusive jurisdiction over regulated activities in or affecting wetlands or watercourses, undertaken by any department, agency or instrumentality of the State of Connecticut, except any local or regional board of education, pursuant to sections 22a-39 or 22a-45a of the Connecticut General Statues.

5.2 The Commissioner of Environmental Protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended.

5.3 The Commissioner of Environmental Protection shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of Environmental Protection under section 22a-402 of the Connecticut General Statutes or a permit issued by the Commissioner of Environmental Protection under sections 22a-403 of the Connecticut General Statutes. Any person receiving such dam repair or removal order or permit shall not be required to obtain a permit from a municipal wetlands agency for any action necessary to comply with said dam order or to carry out the activities authorized by said permit.

5.4 The Commissioner of Environmental Protection shall have exclusive jurisdiction over the discharge of fill or dredged materials into the wetlands and watercourses of the state pursuant to section 401 of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under section 404 of the Federal Clean Water Act.

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 Inland Wetlands and Watercourses Commission of the Town of Hamden.

6.2 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.

6.3 The Agency shall regulate any activity 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 activity affecting wetlands or watercourses, unless such activity is permitted or non-regulated pursuant to section 4 of these Regulations.

Section 7
Application Requirements

7.1 Any person intending to conduct a regulated activity or to renew or amend a permit to conduct such activity, shall apply for a permit on a form provided by the Agency. The application shall contain the information described in this section and any other information the Agency may reasonably require. Application forms may be obtained in the offices of the Planning and Zoning Department.

7.2 If an application to the Town of Hamden Planning, Zoning, or Planning and Zoning Commission for subdivision or resubdivision of land involves land containing a wetland or watercourse, the applicant shall, in accordance with Section 8-3(g), 8-3c, or 8-26, as applicable, of the Connecticut General Statutes, submit an application for a permit to the Agency in accordance with this section, no later than the day the application is filed with such planning, zoning, or planning and zoning commission.

7.3 The application shall contain such information as is necessary for a fair and informed determination thereon by the Agency.

7.4 A prospective applicant may request the Agency to determine whether or not a proposed activity involves a significant impact activity.

7.5 All applications shall include the following information in writing or on maps or drawings:

a. the applicant's name, home and business mailing addresses, email address, telephone numbers and fax number;
b. the owner's name, mailing address, email address and telephone number and written consent of the land owner if the applicant is not the owner of the land upon which the subject activity is proposed;
c. the applicant's interest in the land;
d. the geographical location of the land which is the subject of the proposed activity and a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, the area(s) (in acres or square feet) of wetlands or watercourses to be disturbed, soil type(s), and wetland vegetation;
e. the purpose and a description of the proposed activity and proposed erosion and sedimentation controls and other management practices and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to, measures to (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;

f. alternatives, which would cause less or no environmental impact to wetlands or watercourses and why the original design as set forth in the application was chosen; all such alternatives shall be diagramed on a site plan or drawing;

g. a site plan showing the proposed activity, the proposed limit of disturbance, and existing and proposed conditions (including contours), including all proposed Non-Disturbance Buffer Zones and Upland Review Areas, in relation to wetlands and watercourses, the boundaries of which shall be clearly marked and color coded and identifying any further activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses. Flagging of wetlands and watercourses identified on such site shall be performed by a certified soil scientist, and shall be concurrent with the application. The site plan shall depict a line showing the boundary of the two hundred (200) foot upland review area and the one hundred (100) foot non-disturbance buffer. Site plans showing a subdivision shall be drawn at a 1" to 40' scale, however, site plans showing an individual lot or series of lots on which a wetland or watercourse is present shall be drawn at a 1" to 20' scale. Each site plan shall be certified by the professional engineer responsible for preparing the site plan and, as to the wetlands and watercourse delineation, by the soil scientist responsible for such delineation. The Commission may request the regulated area and non-disturbance buffer area be mathematically delineated and geo-referenced on the site plan;

h. names, mailing and property addresses of adjacent land owners. The applicant shall, at the applicant's expense, provide each owner of property abutting the property on which the regulated activity is proposed, with notice of the proposed regulated activity, including a narrative describing the proposed regulated activity, via certified mail, return receipt requested. In the case of an application seeking approval of a subdivision, the applicant shall provide each owner of property that is located within 500 feet of each boundary edge of the property to be subdivided with the same notice, via certified mail, return receipt requested, provided to abutters. Proof of notice shall be provided to the Agency. Such proof shall include a photocopy of the notice and narrative sent to each person required to receive notice. Failure by the applicant to provide notice of the application shall be grounds for denying the application;

i. statement by the applicant that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;

j. authorization for the members and designated agents of the Agency to inspect the subject land, at reasonable times, during the pendency of an application and for the life of the permit;

k. a completed DEP reporting form; the Agency shall revise or correct the information provided by the applicant and submit the form to the Commissioner of Environmental Protection in accordance with section 22a-39-14 of the Regulations of Connecticut State Agencies;

l. photo documentation of the proposed area to be disturbed in relation to the regulated area is recommended with photo size as deemed appropriate by the applicant. The photos should be close up and wide angle pictures, labeled and cross referenced on the site plan;

m. any other information the Agency deems necessary to the understanding of what the applicant is proposing;

n. submission of the appropriate application fee, as established by municipal ordinance;

o. a statement identifying which watershed the proposed regulated activity is located, and whether the regulated activity is located in a public drinking water supply watershed area. Watershed areas are those areas identified as such in maps on file with the Hamden Planning and Zoning office;

p. if the applicant is a corporation, the applicant shall submit: (1) the name address, phone numbers and contact person for its parent corporation, if any; (2) the name, address, phone numbers and contact name for its subsidiary corporations, if any; (3) the name, address and phone number for each of its directors; and (4) the name, title, address and phone number for each of its officers;
q. if the applicant is a limited liability company, the applicant shall submit: (1) the name address, phone number and contact name for each member; and (2) the name address, phone number and contact name of any manager(s) who, through articles of organization, is vested the management of the business, property and affairs of the limited liability company;
r. if the applicant is a limited partnership, the applicant shall submit: (1) the name address, phone number and contact name for each general partner; and (2) the name, address, phone number and contact name for each limited partner;
s. if the applicant is a general partnership, the applicant shall submit the name, address, phone number and contact name for each general partner;
t. if the applicant is a voluntary association, the applicant shall identify any persons authorized by law to act for such association, or, if no such persons are authorized, provide the names, addresses and phone numbers for all members of the association; and,
u. incomplete applications may be denied.

7.6 At the discretion of the Agency or its designated agent, or when the proposed activity involves a significant impact, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following, is required:

a. site plans for the proposed activity and the land which will be affected thereby which show existing and proposed conditions, wetland and watercourse boundaries, land contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, all proposed Non-Disturbance Buffer Zones and Upland Review Areas, and other pertinent features of the land and the proposed activity, prepared by a professional engineer, land surveyor, architect or landscape architect licensed by the state, or by such other qualified person;
b. engineering reports and analyses and additional drawings to fully describe the proposed activity including any filling, excavation, drainage or hydraulic modifications to watercourses and the proposed erosion and sedimentation control plan;
c. mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Natural Resources Conservation Service; the wetlands shall be delineated in the field by a soil scientist and the soil scientist's field delineation shall be depicted on the site plans;
d. a description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed activity on these communities and wetland functions;
e. a description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application, how each alternative which would cause less or no environmental impact to wetlands or watercourses, and a description of why each alternative considered was deemed neither feasible nor prudent;
f. analysis of chemical or physical characteristics of any fill material; and
g. management practices and other measures designed to mitigate the impact of the proposed activity.

7.7 The applicant shall certify whether:

a. any portion of the property on which the regulated activity is proposed is located within 1500 feet of the boundary of an adjoining municipality;
b. traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
c. sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality; or,
d. water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

7.8 Thirteen (13) copies (one original and twelve copies) of all application materials shall be submitted unless an applicant is otherwise directed, in writing, by the Agency.

7.9 Any application to renew or amend an existing permit shall be filed with the Agency in accordance with section 8 of these regulations at least sixty-five (65) days prior to the expiration date of the permit. The Agency at its discretion may waive the 65 day requirement. However, no application to renew or amend a permit that is filed after the permit has expired will be accepted by the Agency. Any application to renew or amend such an existing permit shall contain the information required under section 7 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 Agency 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.

7.10 Any application to renew a permit shall be granted unless the Agency finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than ten years.

Section 8
Application Procedures

8.1 All petitions, applications, requests or appeals shall be submitted to the Inland Wetlands and Watercourses Commission of the Town of Hamden.

8.2 The Agency shall, in accordance with Connecticut General Statutes section 8-7d(f), notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which:

a. any portion of the property affected by a decision of the agency is within fifteen hundred 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 on the site will flow through and significantly impact the drainage or sewerage 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 days of the date of receipt of the application, petition, appeal, request or plan.

8.3 When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in section 16-1 of the Connecticut General Statutes, the applicant shall provide written notice of the application and a copy of the site plan to the South Central Connecticut Regional Water Authority (SCCRWA) or its successor. 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 South Central Connecticut Regional Water Authority (SCCRWA) or its successor, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the Agency. Any notice to the South Central Connecticut Regional Water Authority (SCCRWA) or its successor shall require completion of its Watershed Project Notification Form by the applicant.

8.4 The official date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of the Agency, immediately following the day of submission to the Agency or its agent of such petition, application, request or appeal or thirty-five days after such submission, whichever is sooner.

8.5 At any time during the review period, the applicant shall provide such additional information as the Agency may reasonably require. Requests for such additional information shall not stay the time limitations as set forth in subsection 11.2 of these regulations. If revised maps are prepared during the process, they must be submitted a minimum of one week prior to the next scheduled meeting of the commission.

8.6 All applications shall be open for public inspection.

Section 9
Public Hearings

9.1 The inland wetlands and watercourses commission shall not hold a public hearing on an application unless the inland wetlands and watercourses commission determines that the proposed activity may have a significant impact on wetlands or watercourses; 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 inland wetlands and watercourses commission not later than fourteen days after the date of receipt of such application; or the inland wetlands and watercourses commission finds that a public hearing regarding such application would be in the public interest. The inland wetlands and watercourses commission may issue a permit without a public hearing provided no petition provided for in this section is filed with the inland wetlands and watercourses commission on or before the fourteenth day after the date of receipt of the application. Such hearing shall be held no later than sixty-five days after the receipt of such application. All applications and maps and documents relating

thereto shall be open for public inspection. At such hearing any person or persons may appear and be heard.

9.2 Notice of the public hearing shall be published at least twice at intervals of not less than two days, the first not more than fifteen days and not fewer than ten days, and the last not less than two days before the date set for the hearing in a newspaper having a general circulation in each town where the affected wetland and watercourse is located.

9.3 Notice of the public hearing shall be mailed to the owner(s) of record of abutting land no less than 10 days prior to the day of the hearing.

9.4 In the case of any application that is subject to the notification provision of section 8.2 of these Regulations, a public hearing shall not be conducted until the clerk of the adjoining municipality (ies) has received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record.

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. Reports from other agencies and commissions including but not limited to the Town of Hamden:
    1. Agency Enforcement Officer
    2. Planning and Zoning Department
    3. Building Department
    4. Natural Resources and Open Space Commission
    5. Engineering Department
    6. Town Attorney's Office
    7. Planning, Zoning, or Planning and Zoning Commissions
    8. Quinnipiac Valley Health District
c. The Agency may also consider comments on any application from the New Haven County Soil and Water Conservation District, the South Central Regional Planning Agency, the South Central Connecticut Regional Water Authority or other regional organizations (i.e. Council of Elected Officials); agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations.
d. Non-receipt of comments from state agencies and commissions listed in subdivision 10.1b and c above within the prescribed time shall neither delay nor prejudice the decision of the Agency.
e. For an application for which a public hearing is held, public comments, evidence and testimony.

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

a. the environmental impact of the proposed regulated activity on wetlands or watercourses; including the effects on the inland wetland's and watercourse's capacity to support fish and wildlife, to prevent flooding, to supply and protect surface and ground waters, to control sediment, to facilitate drainage, to control pollution, to support recreational activities, and to promote public health and safety;
b. the applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives 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 including consideration of the extent to which the proposed activity involves trade-offs between short-term environmental gains at the expense of long-term losses, or vice versa, and consideration of the extent to which the proposed action forecloses or predetermines future options;
d. irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the 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, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources. This requires recognition that the inland wetlands and watercourses of the State of Connecticut are an indispensable, irreplaceable and fragile natural resource, and that these areas may be irreversibly destroyed by deposition, filling, and removal of material, by the diversion, diminution or obstruction of water flow including low flows, and by the erection of structures and other uses;
e. the character and degree of injury to, or interference with, safety, health or the reasonable use of property, including abutting or downstream property, which is caused or threatened by the proposed regulated activity. This includes recognition of potential damage from erosion, turbidity, or siltation, loss of fish and wildlife and their habitat, loss of unique habitat having demonstrable natural, scientific or educational value, loss or diminution of beneficial aquatic organisms and wetland plants, the dangers of flooding and pollution, and the destruction of the economic, aesthetic, recreational and other public and private uses and values of wetlands and watercourses to the community;
f. impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands and watercourses;
g. the suitability of the activity to the area for which it is proposed. This requires a balancing of the need for the economic growth of the state and the use of its land, with the need to protect its environment and ecology for the people of the state and the benefit of generations yet unborn;
h. measures which would mitigate the impact of any aspect of the proposed regulated activity. Such measures include, but are not limited to, actions which would avoid adverse impacts or lessen impacts to wetlands and watercourses and which could be feasibly carried out by the applicant and would protect the wetland's or watercourse's natural capacity to support fish and wildlife, to prevent flooding, to supply and protect surface and ground waters, to control sedimentation, to prevent erosion, to assimilate wastes, to facilitate drainage, to control pollution, to support recreational activities and open space, and to promote public health and safety;

i. the discharge of untreated run-off from paved surfaces; treatment of run-off from such surfaces shall be required at the discretion of the Agency;
j. maintaining natural drainage systems, including perennial and intermittent streams, swales and drainage ditches, in an open condition; and
k. a Non-Disturbance Buffer Zone is a necessary part of any permit in order to separate construction, development or other regulated activities to prevent harm to the regulated area. Therefore, the Agency shall require, at a minimum, a Non-Disturbance Buffer Zone encompassing the land area one hundred (100) feet from any wetland or watercourse as a condition of granting wetlands permits unless the applicant demonstrates through substantial evidence in the record that such activity within the 100-foot non-disturbance area does not pose an impact to the regulated area. Factors to be considered in determining the appropriate width of a buffer zone include but are not necessarily limited to the presence of steep slopes, the intensity of adjacent land use, soil erodibility, the size and characteristics of a watercourse (e.g. intermittent versus perennial), vegetation types and conditions, and whether the wetland/ watercourse/floodplain is a tributary to a public water supply reservoir or lies within a public water supply watershed. The buffer zone shall be protected from site disturbance during and after construction and native vegetation shall be left in place to the maximum extent feasible. Therefore the extent and protection of the Non Disturbance Buffer Zone will be considered in the deliberations. Future applications seeking alteration of any Non-Disturbance Buffer Zone may be considered and approved by the Agency only upon determination of a substantial change in circumstance warranting such alteration. Buffer zones may also be protected using deed restrictions or Conservation Easements as mitigation for regulated activities.

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

10.4 In the case of an application which is denied on the basis of a finding that there may be feasible and prudent 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.

10.5 For 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.

10.6 A municipal inland wetlands and watercourses commission 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.

10.7 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. However, the Agency is not precluded from seeking advice from information already in the record of the public hearing. 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 the application is consistent with the purpose and policies of the Inland Wetlands and Watercourses Regulations of the Town of Hamden and of Sections 22a-36 to 22a-45, inclusive of the Connecticut General Statutes.

10.8 The Commission may require additional technical assistance in evaluating an application for a permit, or for modification or extension of a permit, or for any other matter properly appearing before the Commission, if it finds that the nature or intensity of the activity may present complexities requiring the expertise of a professional or expert environmental reviewer, or the like, possessing the requisite degree of knowledge, education, or training required to review such matter on behalf of the Commission, such area of expertise being outside that of the Commission. In all cases in which the Commission feels such review of the matter is warranted, the applicant shall be required to pay the cost of such review. This payment shall be made to the reviewer prior to the review commencing and prior to any decision being rendered on the matter. The reviewer will render services to and is engaged on behalf of the Commission and Town Planner, or its designees. Copies of the reviewer's findings and reports shall be made available to the applicant and the Commission not less than seven (7) days prior to any meeting of the Commission to consider the reviewer's report(s) and the matter, and the applicant shall be given the opportunity to respond to said report(s) in writing. The reviewer selection shall be pre-approved by the Commission. Failure to pay the reviewer's charges shall be grounds for denial of the application, dismissal of the matter, or the like.

Section 11
Decision Process and Permit

11.1 The Agency, or its duly authorized agent acting pursuant to Section 12 of these regulations, may, in accordance with Section 10 of these regulations, grant the application as filed or grant it upon other terms, conditions, limitations or modifications 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. The Agency, its officers, or its designated agent may rule that a proposed activity is determined to be *de minimis*.

11.2 No later than sixty-five (65) days after the official 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. 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 official date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or may withdraw the application. The failure of the Agency to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Agency shall be withdrawn by the applicant or denied by the Agency.

11.3 The Agency shall state upon its record the reasons and bases for its decision and, in the case of any public hearing, such decision shall be based fully on the record of such hearing and shall be in writing and shall incorporate a statement relative to the consideration of feasible and prudent alternatives.

11.4 The Agency 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, and the Agency shall cause notice of its order in the issuance or denial of the permit, to be published in a newspaper having general circulation in the town wherein the inland wetlands or watercourse lies. In any case in which such notice is not published within such fifteen day period, the applicant may provide for the publication of such notice within ten days thereafter.

11.5 If an activity authorized by an inland wetlands and watercourses permit also involves an activity which requires a zoning or subdivision approval, special zoning permit, or variance or special exception, under sections 8-3(g), 8-3c, or 8-26 of the Connecticut General Statues, the Agency shall file a copy of the decision and report on the application with the Town of Hamden Planning, Zoning, or Planning and Zoning Commission within fifteen days of the date of the decision thereon.

11.6 Any permit issued by the Agency for the development of land for which an approval is required under section 8-3, 8-25 or 8-26 of the Connecticut General Statutes shall be valid for five years Any regulated activity approved by the Agency shall be completed within one year from the time such activity is commenced provided the Agency may establish a specific time period within which any regulated activity shall be conducted and may require that an activity, once commenced, be completed within a time period of less than one year and further provided the

Agency may extend: (1) under the provisions of section 7.9 of these Regulations, the time period of the original permit provided such period shall not extend beyond ten years from the date such permit was granted, or (2) the time period within which an activity, once commenced is required to be completed under this section.

11.7 No permit issued by the Agency shall be assigned or transferred without the written permission of the Agency.

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

11.9 General provisions in the issuance of all permits:

a. If the Agency has relied in whole or in part on information provided by the applicant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked;
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 Town of Hamden and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity;
c. If the activity authorized by the Agency's permit also involves an activity which requires zoning or subdivision approval, special permit, variance or special exception under sections 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit may begin until such approval is obtained;
d. In constructing the authorized activities, the permittee shall implement 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. Failure to take such steps may be considered sufficient cause for revocation of the permit;
e. Permits are not transferable without the prior written consent of the Agency;
f. A copy of the plans approved by the Agency must be kept at the job site during all activity;
g. The boundary of the Non-Disturbance Buffer Zone(s) adjacent to permitted construction, development, or other regulated activity shall be marked at every thirty-five foot interval (unless otherwise directed by the Agency) using such materials, writing, and/or medallions as the Agency may direct; and
h. All permits may have as a condition of the permit a deed restriction requirement in order to ensure the awareness of this regulated status by future owners of the property; such restriction shall be filed and recorded on the Town of Hamden land records. The following shall be incorporated as a deed restriction for the permitted property:

It has been determined by the Hamden Inland Wetlands and Watercourses Commission that regulated areas, as defined by the Hamden Inland Wetlands and Watercourses Commission's regulations, are present on the property. Any activity in the regulated area must have prior approval/permitting by the Hamden Inland Wetlands and Watercourses Commission.

Restriction on this area shall include:

1. *No building or structure of any kind shall be maintained or erected on said area.*
2. *There shall be no excavation or removal of loam, fill, gravel, soil, rock, sand or other material, nor any other topographic changes.*

3. *No dumping of stumps, wood chips, grass clippings, excess soil, ashes, sawdust, bark, trash, garbage, rubbish or any other unsightly or offensive materials shall be permitted.*
4. *No activities, actions or uses of the land shall be permitted that would be detrimental or adverse to erosion control, soil conservation and wildlife habitat preservation. Removal, especially clear cutting in whole or part, of trees, shrubs, or other vegetation is prohibited.*
5. *Activities such as the maintenance of man-made swales, ponds, storm detention basins, the selective removal of non-native species, and necessary management to promote the natural character of the area may be conducted, providing prior approval by the Hamden Inland Wetlands and Watercourses Commission or its designated agent has been requested and granted in writing.*
6. *No use of herbicides and pesticides.*
7. *The aforesaid covenants and restrictions are deemed to run with the land as binding and enforceable as servitudes in perpetuity and shall be referenced on all deeds of conveyance.*

Section 12
Action by Duly Authorized Agent

12 .1 The Agency may delegate to its duly authorized agent the authority to approve or extend a license for an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses provided such agent has completed the comprehensive training program developed by the Commissioner of Environmental Protection pursuant to section 22a-39 of the Connecticut General Statutes. Requests for *de minimis* approval shall be made on a form or in a format acceptable to the Agency, with information sufficient for its agent to make an appropriate finding. Copies of *de minimis* requests shall be provided to the South Central Connecticut Regional Water Authority (SCCRWA) or its successor at the discretion of the agent. 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. Applications processed and approved in accordance with this Section 12.1 shall not be subject to the published notice and abutter notification provision of Section 7.1 of these Regulations. The Agent shall provide the Agency a monthly, typewritten report summarizing all approvals issued pursuant to this Section 12.1.

12.2 Any person receiving such approval from such 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 town wherein the activity is located or will have an effect. Any person may appeal such decision of such agent to the Agency within fifteen days after the publication date of the notice and the Agency shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt by such Agency or its agent of such appeal. Any person may appear and be heard at the meeting held by the Agency to consider the subject appeal. The Agency shall, at its discretion, sustain, alter, or reject the decision of its agent or require an application for a permit in accordance with Section 7 of these regulations.

Section 13
Bond and Insurance

13.1 The Agency may require as a permit condition the filing of a bond with such surety in such amount and in a form approved by the Agency.

13.2 The bond or surety shall be conditioned on compliance with the provisions of these regulations and the terms, conditions and limitations established in the permit.

Section 14
Enforcement

14.1 The Agency may appoint an agent or agents to act in its behalf with the authority to issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these regulations. In carrying out the purposes of this section, the Agency or its duly authorized agent shall take into consideration the criteria for decision under section 10.2 of these regulations.

14.2 The Agency or its agent may make regular inspections at reasonable hours of all regulated activities for which permits have been issued, under these Regulations, and of any possible violations of 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.

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

a. issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order the Agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Agency shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Agency shall publish notice of its decision in a newspaper having general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the Agency affirms, revises or withdraws the order. The issuance of an order pursuant to this subsection shall not delay or bar an action pursuant to section 22a-44 (b) of the Connecticut 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 including, without limitation, halting work in wetlands or watercourses. The Agency may request that the individual appear at the next regularly scheduled meeting of the Agency to discuss the unauthorized activity, and/or provide a written reply to the notice or file an application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in section 14.4.a or other enforcement proceedings as provided by law; and

c. seek a civil penalty for each violation as provided at section 22a-44(b) of the Connecticut General Statutes.

14.5 The Agency may suspend or revoke a permit if it finds that the permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking 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 an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the Agency's decision to suspend, revoke, or maintain a permit by 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 Town of Hamden may be amended, from time to time, by the Agency in accordance with changes in the Connecticut General Statutes or regulations of the Connecticut Department of Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available.

15.2 An application filed with the Agency which is in conformance with the applicable inland wetlands and watercourses regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetlands and watercourses regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt and any appeal from the decision of such Agency with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such receipt. The provisions of this section shall not be construed to apply (1) to the establishment, amendment or change of boundaries of inland wetlands or watercourses or (2) to any change in regulations necessary to make such regulations consistent with the provisions of the Act as of the date of such receipt.

15.3 These regulations and the Town of Hamden Inland Wetlands and Watercourses Map shall be amended in the manner specified in section 22a-42a of the Connecticut General Statutes, as amended. The Agency shall provide the Commissioner of Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except map amendments, at least thirty-five days before the public hearing on their adoption. (Fee schedules shall be adopted as provided by municipal ordinance.)

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

a. the petitioner's name, mailing address, email address, telephone and fax numbers;
b. The owner's name (if not the petitioner), mailing address, email address, telephone and fax numbers, and a written consent to the proposed action set forth in the application;
c. the address, or location, of the land affected by the petition;
d. the petitioner's interest in the land affected by the petition;
e. map(s) showing the geographic location of the land affected by the petition and the existing and the proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations;
f. the reasons for the requested action;
g. the names and addresses of adjacent property owners;
h. If the petitioner is a corporation, the petitioner shall submit: (1) the name address, phone numbers and the contact person for its parent corporation, if any; (2) the name, address,

phone numbers and contact name for its subsidiary corporations, if any; (3) the name, address and phone number for each of its directors; and (4) the name, title, address and phone number for each of its officers;

i. If the petitioner is a limited liability company, the petitioner shall submit: (1) the name address, phone number and contact name for each member; and (2) the name address, phone number and contact name of any manager(s) who, through articles of organization, is vested the management of the business, property and affairs of the limited liability company;

j. If the petitioner is a limited partnership, the petitioner shall submit: (1) the name address, phone number and contact name for each general partner; and (2) the name, address, phone number and contact name for each limited partner;

k. If the petitioner is a general partnership, the petitioner shall submit the name, address, phone number and contact name for each general partner; and

l. If the petitioner is a voluntary association, which association is not a corporation or a limited or general partnership, the petitioner shall identify any persons authorized by law to act for such association, or, if no such persons are authorized, provide the names, addresses and phone numbers for all members of the association.

15.5 Any person who submits a petition to amend the Inland Wetlands and Watercourses Map, Hamden, 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, mailing address, email address, telephone and fax number of the owner(s) of such land and owner(s) agent or other representative;

b. the names and mailing addresses of the owners of abutting land;

c. documentation by a soil scientist of the distribution of wetland soils on said land. Such documentation shall at a minimum include the report of the soil scientist documenting the location of wetland soils on the land 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.

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

15.7 A public hearing shall be held on petitions to amend the Inland Wetlands and Watercourses Map. Notice of the hearing shall be published in a newspaper having a general circulation in the municipality where the land that is the subject of the hearing is located 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. In addition, the Agency may require the petitioner to provide notice to all property owners within 1,500 feet of the wetlands and /or watercourse affected by the petition.

15.8 The agency shall hold a public hearing on a petition to amend the regulations and the Inland Wetlands and Watercourses Map within sixty-five days after receipt of such petition. The hearing shall be completed within thirty-five days after commencement. The agency shall act upon the changes requested in such petition within sixty-five days after completion of such

hearing. At such hearing, any person or persons may appear and be heard and may be represented by agent or attorney. The petitioner may consent to one or more extensions of any period specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five days, or may withdraw such petition. Failure of the agency to act within any time period specified in this subsection or any extension thereof, shall not be deemed to constitute approval of the petition.

15.9 The Commission, in accordance with Section 19.4b, may require additional technical assistance, at the petitioner's expense, in evaluating a petition to amend/change the Inland Wetlands and Watercourses Map if it finds that the change is significant.

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

Section 16
Appeals

16.1 Appeal on actions of the Agency shall be made in accordance with the provisions of section 22a-43 of the Connecticut General Statutes, as amended.

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 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 requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the Town of Hamden the State of Connecticut or 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
Fees

19.1 Method of Payment. All fees required by these regulations shall be submitted to the Agency by certified check or money order payable to the Town of Hamden at the time the application is filed with the Agency except in the cases of a complex application review.

19.2 No application shall be granted or approved by the Agency unless the correct application fee and a complex application fee, if required, is paid in full or unless a waiver has been granted by the Agency pursuant to subsection 19.6 of these regulations.

19.3 Definitions. As used in this section:

"Residential Uses" means activities carried out on property developed for permanent housing or being developed to be occupied by permanent housing.

"Commercial uses" means activities carried out on property developed for industry, commerce, trade, recreation, or business or being developed to be occupied for such purposes, for profit or nonprofit.

"Other uses" means activities other than residential uses or commercial uses.

19.4 Fee Schedule.
(a) Application fees shall be established by recommendation of the Agency subject to approval by the Legislative Council, and may be amended from time to time as appropriate.
(b) Complex Application Review:
The Inland Wetlands and Watercourses Commission may charge an additional fee sufficient to cover the cost of reviewing and acting on complex applications as provided in Section 10.8.

19.5 Exemption. Boards, commissions, councils and departments of the Town of Hamden are exempt from all fee requirements.

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

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

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

Section 20
Effective Date of Regulations

20.1 These regulations are effective upon filing in the Office of the Town Clerk and publication of a notice of such filing in a newspaper having general circulation in the Town of Hamden.

APPENDIX A

Connecticut General Statute section 8-7d

Hearings and decisions. Time limits. Day of receipt. Notice to adjoining municipality. (a) In all matters wherein a formal petition, application, request or appeal must be submitted to a zoning commission, planning and zoning commission or zoning board of appeals under this chapter, a planning commission under chapter 126 or an inland wetlands and watercourses commission under chapter 440 and a hearing is required or otherwise held on such petition, application, request or appeal, such hearing shall commence within sixty-five days after receipt of such petition, application, request or appeal and shall be completed within thirty-five days after such hearing commences, unless a shorter period of time is required under this chapter, chapter 126 or chapter 440. Notice of the hearing shall be published in a newspaper having a general circulation in such municipality where the land that is the subject of the hearing is located at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the date set for the hearing. In addition to such notice, such commission, board or agency may, by regulation, provide for notice to persons who own or occupy land that is adjacent to the land that is the subject of the hearing. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing, any person or persons may appear and be heard and may be represented by agent or by attorney. All decisions on such matters shall be rendered within sixty-five days after completion of such hearing, unless a shorter period of time is required under this chapter, chapter 126 or chapter 440. The petitioner or applicant may consent to one or more extensions of any period specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five days, or may withdraw such petition, application, request or appeal.

(b) Notwithstanding the provisions of subsection (a) of this section, whenever the approval of a site plan is the only requirement to be met or remaining to be met under the zoning regulations for any building, use or structure, a decision on an application for approval of such site plan shall be rendered within sixty-five days after receipt of such site plan. Whenever a decision is to be made on an application for subdivision approval under chapter 126 on which no hearing is held, such decision shall be rendered within sixty-five days after receipt of such application. Whenever a decision is to be made on an inland wetlands and watercourses application under chapter 440 on which no hearing is held, such decision shall be rendered within sixty-five days after receipt of such application. The applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed sixty-five days or may withdraw such plan or application.

(c) For purposes of subsection (a) or (b) of this section and section 7-246a, the date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of such commission, board or agency, immediately following the day of submission to such commission, board or agency or its agent of such petition, application, request or appeal or thirty-five days after such submission, whichever is sooner. If the commission, board or agency does not maintain an office with regular office hours, the office of the clerk of the municipality shall act as the agent of such commission, board or agency for the receipt of any petition, application, request or appeal.

(d) The provisions of subsection (a) of this section shall not apply to any action initiated by any zoning or planning and zoning commission regarding adoption or change of any zoning regulation or boundary.

(e) Notwithstanding the provisions of this section, if an application involves an activity regulated pursuant to sections 22a-36 to 22a-45, inclusive, and the time for a decision by a zoning commission or planning and zoning commission established pursuant to this section would elapse prior to the thirty-fifth day after a decision by the inland wetlands and watercourses commission, the time period for a decision shall be extended to thirty-five days after the decision of such agency. The provisions of this subsection shall not be construed to apply to any extension consented to by an applicant or petitioner.

(f) The zoning commission, planning commission, zoning and planning commission, zoning board of appeals or inland wetlands and watercourses commission shall notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which: (1) Any portion of the property affected by a decision of such commission, board or agency is within *five hundred feet* of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, request or plan. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, appeal, request or plan.

*The Town of Hamden CT regulations state fifteen hundred (1500) feet.