

INLAND WETLANDS
AND
WATERCOURSES REGULATIONS
OF THE
TOWN OF NORTH STONINGTON

Revised
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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 resources 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 wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbances or destruction is in the public interest and is essential to 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 provision 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 beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protection 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 North Stonington".

1.3 The Inland Wetlands and Watercourses Commission of the Town of North Stonington was established in accordance with an ordinance adopted and shall implement the purposes and provisions of the Inland Wetlands and Watercourses Act in the Town of North Stonington.

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 Commission shall enforce all provisions of the Inland Wetlands and Watercourses Act and shall issue, with modifications, and deny permits for all regulated activities on inland wetlands and watercourses in the Town of North Stonington 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:
- a. **"Act"** Means the Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45 of the Connecticut General Statutes, as amended.
 - b. **"Bogs"** are usually distinguished by evergreen trees and shrubs underlain by peat deposits, poor drainage, and highly acidic conditions.
 - c. **"Clear - cutting"** means the harvest of timber in a fashion which removes all trees down to a 2" diameter at breast height.
 - d. **"Commission"** means the Inland Wetlands and Watercourses Commission of the Town of North Stonington.
 - e. **"Commission Member"** means a member of the Inland Wetlands and Watercourses Commission of the Town of North Stonington.
 - f. **"Commissioner of Environmental Protection"** means the Commissioner of the State of Connecticut Department of Environmental Protection.
 - g. **"Deposit"** includes, but shall not be limited to , fill, grade, dump, place, discharge or emit.
 - h. **"Designated Agent"** means an individual designated by the Commission to carry out its function and purposes.
 - i. **"Discharge"** means emission of any water, substance, or material into wetlands or watercourses whether or not such substance causes pollution.
 - j. **"Disturbing the natural and indigenous character of the land"** means that the activity will significantly alter the inland wetlands and watercourses by reason of removal or deposition of material, clear-cutting, alteration or obstruction of water flow, or will result in pollution of the wetlands or watercourses.
 - k. **"Farming"** means use of land for the growing of crops, raising of livestock or other agricultural use.
 - l. **"Feasible"** means able to be constructed or implemented consistent with sound engineering principles."
 - m. **"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 provision of the regulations under the authority of the Inland Wetlands and Watercourses Commission
 - n. **"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.

- o. **"Marshes"** are areas with soils that exhibit aquatic moisture regimes that are distinguished by the absence of trees and shrubs and are dominated by 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.
- p. **"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 or waste.
- q. **"Municipality"** means the Town of North Stonington, New London County, Connecticut.
- r. **"Nurseries"** means land used for propagation trees, shrubs or other plants for transplanting, sale, or for use as stock for grafting.
- s. **"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 provision of these regulations under the authority of the Inland Wetlands and Watercourses Commission.
- t. **"Permittee"** means the person to whom such permit has been issued.
- u. **"Person"** means any person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporation, governmental agencies or subdivision thereof.
- v. **"Pollution"** means harmful thermal effect or the contamination or rendering unclear 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 resulting from any filling or excavation activity.
- w. **"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."

- x. **"Regulated Activity"** means any operation within or use of a wetlands or watercourse 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 on the land within 100 feet measured horizontally from the boundary of any wetland or watercourse is a regulated activity. The Agency may rule that any other activity located within such upland review area or in an other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.
- y. **"Regulated Area"** means any inland wetlands or watercourse as defined in these regulations.
- z. **"Remove"** includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, grub, clear-cut timber, bulldoze, dragline or blast.
- aa. **"Rendering unclear 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.
- bb. **"Significant Activity"** means any activity, including, but not limited to, the following activities which may have a major effect or significant impact on the area for which an application has been filed or on another part of the inland wetlands or watercourses system:
 1. Any activity involving a deposition or removal of material which will or may have a major effect or significant impact on the regulated area or on another part of the inland wetlands or watercourses system, or
 2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system, or
 3. Any activity which substantially diminishes the natural capacity of an inland wetlands 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
 4. Any activity which causes substantial turbidity, siltation or sedimentation in a wetland or watercourse, or

5. Any activity which cause a substantial diminution of flow of a natural watercourse, or groundwater levels of the regulated area, or
 6. Any activity which causes or has the potential to cause pollution of a wetland or watercourse, or
 7. Any activity which destroys unique wetland or watercourse areas having demonstrable scientific or educational value.
- cc. **"Soil Scientist"** means an individual duly qualifies in accordance with standards set by the Federal Office of Personnel Management (formerly the U.S. Civil Service Commission).
- dd. **"Swamps"** are areas with soils that exhibit aquatic moisture regimes and are dominated by wetland trees and shrubs.
- ee. **"Submerged lands"** means those lands which are inundated by water on a seasonal or more frequent basis.
- ff. **"Waste"** means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the waters of the Town.
- gg. **"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 this State or Town or any portion thereof not regulated pursuant to Sections 22a - 28 through 22a - 35 inclusive of the Connecticut General Statutes, as amended. 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.
- hh. **"Wetlands"** means land, including submerged land as defined in Section 2.1 (ee) of these regulations, not regulated pursuant to Section 22a - 28 through 22a - 35, inclusive, of the Connecticut General Statutes, as amended, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and flood plain 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).

SECTION 3

INVENTORY OF REGULATED AREAS

3.1 The map of regulated areas entitled "Inland Wetlands and Watercourses map, North Stonington, Connecticut", delineates the general location of 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 Inland Wetlands and Watercourses Commission. In all cases, the precise location of regulated areas shall be determined by the actual character of the land, the distribution of wetlands soil types and location of watercourses. The Commission may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations or other information in determining 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 Commission 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 14 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 Commission or its designated agent(s) shall inventory and maintain current records of all regulated areas within the Town. The Commission may amend its map from time to time as information becomes available relative to more accurate delineation of wetlands and watercourses within the Town. Such map amendments are subject to the public hearing process outlined in Section 14 of these regulations.

SECTION 4

PERMITTED USES AS OF RIGHT & 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 essential 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 section shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear-cutting of timber, except for the expansion of agricultural crop land, or the mining of top soil, peat, sand, gravel or similar material from wetlands of 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 the Planning and Zoning Commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of Section 22a - 42a, as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subsection unless the building permit was obtained on or before July 1, 1987. The individual claiming a use of wetlands permitted as a right under this subsection shall document the validity of said right by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well location, septic system, driveway, approval dates or other necessary information to document his entitlement.
- 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 uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of substantial amounts of

material from or into 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 Section 22a-401 and 22a-410 of the Connecticut 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 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 the 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.

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 waterflow 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 the use of 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 shell fishing and cross - country skiing where otherwise legally permitted and regulated.

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 Commission 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 non regulated operation or use of a wetland or watercourse, which may disturb the natural and indigenous character of the wetland or watercourse, shall, prior to commencement of such operation or use, notify the Commission on a form provided by it, and provide the Commission with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or non regulated use of the wetland or watercourse. The Commission or its designated agent shall rule that the proposed operation or use is a permitted or non regulated use or operation or

that a permit is required. Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the Commission following the meeting at which the request was received. The designated agent for the Commission may make such ruling on behalf of the agency at any time.

SECTION 5

ACTIVITIES REGULATED BY THE STATE

5.1 In addition to any permit or approval required by the Commission, 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-401 through 22a-410 of the Connecticut General Statutes, as amended.
- b. Construction, encroachment or placement of any obstruction within stream channel encroachment lines pursuant to Sections 22a-342 through 22a-1149 of the Connecticut General Statutes.
- c. Construction or placement of any structure or obstruction within the tidal, coastal or navigable waters of the state pursuant to Sections 22a-359 through 22a-363 or in designated tidal wetlands pursuant to Sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended;
- d. Diversion of water including withdrawals of surface or groundwater in excess of fifty thousand (50,000) gallons per day or any change in the instantaneous flow of any surface waters of the state where the tributary watershed area above the point of diversion is 100 acres or larger pursuant to Sections 22a-365 through 22a - 378 of the Connecticut General Statutes, as amended;
- e. Discharges into the waters of the state pursuant to Section 22a-430 of the Connecticut General Statutes, as amended.
- f. Discharge of fill or dredged materials into the wetlands and watercourses of the state pursuant to Section 401 of the Federal Clear Water Act, as amended, for activities regulated by the U. S. Army Corps of Engineers under Section 404 of the Federal Clear Water Act.

5.2 The Commissioner of Environmental Protection shall have exclusive jurisdiction over regulated activities and other 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, (1) after an advisory decision on such license or permit has been rendered to the Commissioner by the wetland agency of the municipality within which such wetlands is located or (2) thirty - five days after receipt by the Commissioner of such application, whichever occurs first.

5.3 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.

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

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 North Stonington, except that nothing in these regulations shall be deemed to prohibit continuance of uses, buildings, or structures which are existing as of the date of the adoption of these regulations.

6.2 The Commission shall regulate any operation within or use of a wetlands 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 the regulations.

6.3 Any person found to be conducting or maintaining a regulated activity without prior authorization of the Town of North Stonington Inland Wetlands and Watercourses Commission, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 13 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 in either a regulated area or a protected area shall apply for a permit on a form entitled "Town of North Stonington Inland Wetlands and Watercourses Commission - Application for Permit". An application shall include an application form and such information as prescribed by Section 7.5 and, in the case of a significant activity, Section 7.6 of these regulations. Application forms may be obtained in the offices of the North Stonington Town Clerk or the Inland Wetlands and Watercourses Commission.

7.2 If an application to the Town of North Stonington Planning and Zoning Commission for subdivision or resubdivision of land involves land containing a wetland or watercourse, as defined in Section 2 of these Regulations, the applicant shall submit an application to the Commission in accordance with this Section, no later than the day the application is filed for the subdivision or resubdivision.

7.3 All applications shall contain such information that is necessary for a fair and informed determination of the issues.

7.4 The Commission and the applicant may hold a pre-application meeting to determine whether or not the proposed application involves a significant activity. Whenever possible the determination relative to significant activities should be made at the pre-application meeting.

7.5 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. Applicant's interest in the land;
- d. The geographical location of the property which is to be affected by the proposed activity, including but not limited to, a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, a computation of the area(s) (in acres or square feet) of wetland or watercourse disturbance, soil type(s) and vegetation;
- e. The purpose and description of the proposed activity and proposed erosion and sedimentation controls and other management practices and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to, measures to (a) prevent 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;
- f. Alternatives considered by the applicant and why the proposal to alter wetlands set forth in the application was chosen;
 - g. A site plan showing existing and proposed conditions in relationship to wetlands and watercourses and identifying any further activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.
 - h. Names and addresses of adjacent property owners;
 - i. Certification that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;
 - j. Authorization for commissioners and agents of the Commission to inspect the property, at reasonable times, both before and after a final decision has been issued;
 - k. Any other information the Commission deems necessary to the understanding of what the applicant is proposing;
 - l. Submission of the appropriate filing fee based on the fee schedule established in Section 19 of these regulations.

7.6 If the proposed activity involves a significant activity as determined by the Commission and defined in Section 2.1 bb of these regulations, 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 use or operation and the property which will be affected, which show existing and proposed conditions, wetlands and watercourses boundaries, land contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses and other pertinent features of the development drawn by a licensed surveyor, professional engineer or landscape architect registered in the State of Connecticut or by such other qualifies person;
- b. Engineering reports and analysis 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 (the Commission may require the applicant to have the wetlands delineated in the field by a soil scientist and that the field delineation be incorporated on the site plans);

- 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 the communities and wetland functions;
- e. Description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourse involved in the application, and with each alternative, a description of why each alternative considered was deemed neither feasible nor prudent;
- f. Analysis of chemical or physical characteristics of any fill material;
- g. Measures which 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. A reporting form shall be completed during the application process which provides the Commissioner of the DEP with information necessary to properly monitor the inventory of the state wetlands. The reporting form shall be part of the application and specified sections shall be completed by the applicant. These sections shall include the following: name of applicant; name of the project; project description; area of wetlands and/or linear feet of watercourse proposed to be altered. The applicant shall attach an 8 1/2 x 11 inch photocopy of the portion of the USGS quadrangle map with the location of the project site outlined or printed on it.

7.7 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 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 Five copies of all application materials shall be submitted to comprise a complete application or as is otherwise directed, in writing, by the Inland Wetlands and Watercourses Commission.

7.9(a) Any application to renew, extend or amend an existing permit shall be filed with the Commission at least sixty-five (65) days prior to the expiration date for the permit in accordance with Section 8 of the regulations. Any application for amendment, 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. The application shall state the reason why the authorized activities were not initiated or completed within the time specified in the permit;
- c. The application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or the property for which the permit was issued;
- d. The Commission may accept an untimely application to extend the expiration date of a 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 extended and the public interest or environment will best be served by not interrupting the activity. 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.
- e. The Commission shall evaluate the application pursuant to Section 10 of these regulations and grant the application as filed, grant it with any terms or limitations, or deny it.

7.9(b) 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 may be valid for more than ten years.

7.10 A reporting form shall be completed during the application process which provides the Commissioner of the 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 the following sections shall be completed by the applicant: name of applicant; name of the project; project description; area of wetlands and/or lineal feet of watercourse proposed to be altered. The Agency shall be responsible for the remaining information and any corrections on the form and for filing it in accordance with Section 22a-39-14 of the Inland Wetland and Watercourse Regulations of the Department of Environmental Protection.

SECTION 8

APPLICATION PROCEDURES

8.1 All applications shall be filed with the Inland Wetlands and Watercourses Commission of the Town of North Stonington.

8.2 When an application to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse is filed and any portion of such wetland or watercourse is within five hundred feet of the boundary of another municipality, the applicant shall give written notice of the application by certified mail, return receipt requested, on the same day to the inland wetlands agency of such other municipality.

8.3 The Commission shall, in accordance with Connecticut General Statutes 22a-42b, 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 shall be made by registered mail and shall be mailed within seven (7) days of the date of receipt of the application.

8.4 The date of receipt of any application shall be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission to the Commission, provided such meeting is no earlier than three business days after receipt, or thirty-five days after such submission, whichever is sooner.

8.5 At any time during the review period the Commission 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. Requests for additional information shall not stay the time limitations as set forth in Section 11.2.

8.6 All application shall be open for public inspection.

8.7 Incomplete applications may be denied.

8.8 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 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 (7) 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 Commission shall not hold a public hearing on such application unless the Commission determines that the proposed activity may have a significant impact on wetlands or watercourses or a petition signed by at least twenty-five persons requesting a hearing is filed with the Commission not later than fifteen days after the date of receipt of such application or the Commission finds that a public hearing regarding such application would be in the public interest. The Commission may issue a permit without a public hearing provided no petition provided for in this section is filed with the Commission not later than fifteen days after the date of receipt of the application. Such hearing shall be held no later than sixty-five days after receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. Any person may appear and be heard at any public hearing.

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 The Commission or its designated agent shall mail notice of the public hearing to the owner(s) of record of abutting land no less than fifteen days prior to the day of the hearing.

9.4 In the case of any application which is subject to the notification provisions of Section 8.3 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 Commission may consider the following in making its decision on an application:

- a. The application and its supporting documentation;
- b. Public comments, evidence and testimony;
- c. Reports from other agencies and commissions including but not limited to the Town of North Stonington
 1. Conservation Commission
 2. Planning and Zoning Commission
 3. Building Official
 4. Health Officer
- d. The Commission may also consider comments on any application from the New London County Soil and Water Conservation District, the Southeastern Connecticut Regional Planning Agency or other regional organizations (i.e. Council of Governments); 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 and commissions listed in 10.2.c above within the prescribed time shall neither delay nor prejudice the decision of the Commission.

10.2 Standards and Criteria for Decision.

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

- a. The environmental impact of the proposed regulated activity on wetlands or watercourses;
- b. The Applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses;
- c. The 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 (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;

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

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

10.3(b) 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 Commission 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.

10.4 In reaching its decision on any application after a public hearing, the Commission 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 Commission in its decision. However, the Commission is not precluded from seeking advice from its own experts on information already in the record of the public hearing.

SECTION 11(a)

DECISION PROCESS AND PERMIT

SECTION 11(b)

ACTION BY DULY AUTHORIZED AGENT

11(b).1 The Commission may delegate to its duly authorized agent the authority to approve or extend an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetland or watercourse provided such agent has completed the comprehensive training program developed by the Commissioner pursuant to Section 22a-39 of the General Statutes. Notwithstanding the provisions for receipt and processing applications prescribed in Section 8 of these regulations, such agent may approve or extend such an activity at any time.

11(b).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 Commission within fifteen days after the publication date of the notice and the Commission shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt by such Commission or its agent of such appeal. The Commission 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.

11.1 The Commission 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. In granting a permit the Commission, or its duly authorized agent, may grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity which are designed to carry out the policy of sections 22a-36 to 22a-45, inclusive, of the General Statutes. 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.

11.2 No later than sixty-five (65) days after receipt of an application, the Commission may hold a public hearing on such application. The hearing shall be completed within forty-five (45) days of its commencement. Action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this subsection 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 the original period as specified in this subsection, or may withdraw such application. Failure of the Inland Wetlands and Watercourses Commission to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application.

11.3 The Commission 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 Commission shall notify the applicant and any named parties to the proceeding of its decision within fifteen (15) days of the date of the decision by certified mail, return-receipt requested, and the Commission 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 wetland or watercourses 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 the inland wetlands 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 decision and report on the application shall be filed with the Town of North Stonington Planning and Zoning Commission or Zoning Board of Appeals, as applicable, within fifteen (15) days of the date of the decision.

11.6 If the Commission denies the permit, or if it grants a permit with terms, conditions, limitations, or modifications, the applicant may attempt to modify the proposal to the Commission's satisfaction. The Commission shall determine whether the proposed modification requires the filing of a new application. The rejection of a modified or corrected application by the Commission shall be equivalent to the denial of an application for the purposes of appeal.

11.7 Any permit issued under this section for the development of property for which an approval is required under Sections 8-3, 8-25 or 8-26 of the General Statutes shall be valid for five years provided the Commission may establish a specific time period within which any regulated activity shall be conducted. Any permit issued under this section for any other activity shall be valid for not less than two years and not more than five years.

11.8 No permit shall be assigned or transferred without the written permission of the Commission.

11.9 If a bond or insurance is required in accordance with Section 12 of these Regulations, no permit shall be issued until such bond or insurance is provided.

11.10 General provisions in the issuance of all permits:

- a. In evaluating applications in which the Commission 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 Commission are subject to and do not derogate any present or future rights or powers of the Commission or the Town of North Stonington, 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 wetlands 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 take such necessary steps 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.

SECTION 12

BOND AND INSURANCE

12.1 Upon approval of the application and prior to issuance of a permit, the applicant may, at the discretion of a Commission, be required to file a bond with such surety in such amount and in a form approved by the Commission.

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

12.3 The commission may require the applicant to certify that it has public liability insurance against liability which might result from the proposed operation or use of the wetlands or watercourses covering any and all damage which might occur within two (2) years of completion of such operations, in an amount to commensurate with the regulated activity.

SECTION 13
ENFORCEMENT

13.1 The Commission 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 violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these regulations.

13.2 As a condition of a permit, the Commission or its agent may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued under these regulations.

13.3 If the Commission 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 Commission 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 Commission 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 Commission 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 Commission 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 Commission affirms, revises or withdraws the order. The issuance of an order pursuant to this section shall not delay or bar an action pursuant to Section 22a-44(b) of the Connecticut General Statutes, as amended;
- b. 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, the Commission 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. At the public hearing the permittee shall be given an opportunity to show that he/she is in compliance with his/her permit and any and all requirements for retention of the permit. The permittee shall be notified of the Commission's decision to suspend, revoke,

or maintain a permit by personal service or certified mail within fifteen (15) days of the date of its decision;

- c. 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 Commission, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The Commission may request that the individual appeal at the next regularly scheduled meeting of the Commission to discuss the unauthorized activity, and/or provide a written reply to the notice or filing of 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.

SECTION 14
AMENDMENTS

14.1(a) These regulations and the Inland Wetlands and Watercourses Map for the Town of North Stonington may be amended from time to time, by the Commission 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 become available. An application filed with an Inland Wetlands Commission 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 (or boundaries), including changes to setbacks and buffers, taking effect on or after the date of such receipt and any appeal from the decision of such Commission with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such receipt. The provisions of this subsection shall not be construed to apply (1) to the establishment, amendment or change of boundaries of inland wetlands or watercourses or (2) to any change in regulations necessary to make such regulations consistent with the provisions of Chapter 440 of the Connecticut General Statutes as of the date of such receipt.

14.2 These regulations and the Town of North Stonington Inland Wetlands and Watercourses Map shall be amended in the manner specified in Section 22a-42a of the Connecticut General Statutes, as amended. The Commission 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 (35) days before the public hearing on their adoption. Application forms and fee schedules shall be considered as part of the Commission regulations.

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

- a. The applicant's name, address and telephone number.
- b. The owner's name (if not applicant), address, telephone number, and a written consent to the proposed action set forth in the application;
- c. Applicant's interest in the land affected by the application;
- d. Map(s) showing the geographic location of the land affected by the application 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; and
- e. The reasons for the requested action;

14.4 Any person who submits a petition to amend the Inland Wetlands and Watercourses Map, North Stonington, 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 Commission. 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 14.3, the petition shall include:

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

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

14.6 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 substantial circulation in the municipality at least twice at intervals of not less than fifteen (15) days, and the last not less than two days, before such hearing. A copy of such proposed boundary change shall be filed in the office of the Town Clerk for public inspection at least ten (10) days before such hearing.

14.7 Within ninety (90) days after receipt of a petition for a change in the mapped boundaries of any wetland or watercourse, the Commission shall hold a public hearing to consider the petition. The Commission shall act upon the changes requested in such petition within sixty (60) 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 the original period as specified in this subsection, or may withdraw such petition. The failure of the Inland Wetlands Commission to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the petition.

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

SECTION 15

APPEALS

15.1 Appeal on action of the Commission shall be made in accordance with the provision of Section 22a-43 of the Connecticut General Statutes, as amended.

15.2 Notice of such appeal shall be served upon the Commission and the Commissioner of Environmental Protection.

SECTION 16

CONFLICT AND SEVERANCE

16.1 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 any other part which can be given effect without such invalid part or parts.

16.2 If there is a conflict between any provisions of these Regulations and the provisions of the Act, the provisions of the Act shall govern.

SECTION 17
OTHER PERMIT

17.1 Nothing in these regulations shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulations by the Town of North Stonington, 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 18
EFFECTIVE DATE OF REGULATIONS

18.1 These regulations including the Inland Wetlands and Watercourses Map, application forms, fee schedule and amendments thereto, shall become effective upon filing in the office of the Town Clerk and publication of a notice of such action in a newspaper having general circulation in the Town of North Stonington.

SECTION 19

FEE SCHEDULE FOR APPLICATION

19.1 Method of Payment. All fees required by these regulations shall be submitted to the Commission by certified check or money order payable to the Town of North Stonington at the time the application is filed with the Commission.

19.2 No application shall be granted or approved by the Commission unless the correct application fee is paid in full or unless a waiver has been granted by the Commission pursuant to subsection 4 of these regulations.

19.3 The application fee is not refundable.

19.4 Definitions. As used in this section:

- a. "Residential used" means activities carried out on property developed for permanent housing or being developed to be occupied by permanent housing.
- b. "Commercial and Industrial uses" means activities carried out on property developed for industry, or being developed to be occupied for such purposes, for profit or nonprofit.
- c. "Other uses" means activities other than the Residential uses or Commercial and Industrial uses.

19.5 Fee Schedule. Application fees shall be based on the following schedule:

- a. **PERMITTED AND UNREGULATED USES** - (See Section 4 of these Regulations).
 - (1) **Permitted Uses as of Right** - no charge*
 - (2) **Non-Regulated Uses** - \$55.00
- b. **REGULATED ACTIVITY** - (See Section 2.1x and Section 6 of these Regulations).
 - (1) **Residential Uses** - \$70.00* + \$25.00 per lot.
 - (2) **Commercial and Industrial Uses** - \$70.00* + \$45.00 per acre or part thereof with wetlands on the property.
 - (3) **All Other Uses** - \$70.00*
- c. **Significant Activity Fee** - (As defined in Sec. 2.1bb of these Regulations) - Where in the judgment of the Commission, additional fees are required to cover professional, legal, engineering and plan review expenses, these expenses shall be paid by the Applicant on an actual and reasonable cost basis. These fees shall be determined by the Commission and assessed to the Applicant after the base fee of items contained herein are paid and the services are rendered to the Commission.
- d. **MAP AMENDMENT PETITIONS** - (See Section 14.3 et. Seq. of these Regulations). - \$35.00
- e. **MODIFICATION OR RENEWAL OF PREVIOUS APPROVAL** - \$35.00* (There shall be no fee for correcting typographical or other immaterial errors.

***Note to All Applicants:** As of July 1, 1992, the General Statutes require an additional fee of \$10.00 to be added to permit application costs. Under this Act of the General Statutes, all permits which are issued under the Zoning, Planning, Inland - Wetlands or Coastal Management sections of the General Statutes are to have a \$10.00 fee added. Of the money collected, \$9.00 shall be returned to the State of Connecticut and \$1.00 will be kept by the Town of North Stonington. The State's portion of the money will fund the Environmental Review Team Program.

19.6 Exemption. Board, Commissions, councils and departments of the Town of North Stonington are exempt from all fee requirements under Section 2 of these regulations.

19.7 Waiver. The applicant may petition the Commission to waive, reduce or allow delayed payment of the fee required by Section 19.5, of these regulations. Such petitions shall be in writing and shall state fully the facts and circumstances the Commission should consider in this determination under this section. The Commission may waive all or part of the application fee if the Commission 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 application would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee, or
- b. The amount of the application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application.

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

SECTION 20

RECORDS RETENTION AND DISPOSITION

20.1 The Commission and the Town Clerk for the Town of North Stonington shall retain complete administrative records of Commission actions and dispose of such records in accordance with the retention/disposition schedules established by the Public Records Administrator of the Connecticut State Library as amended from time to time.