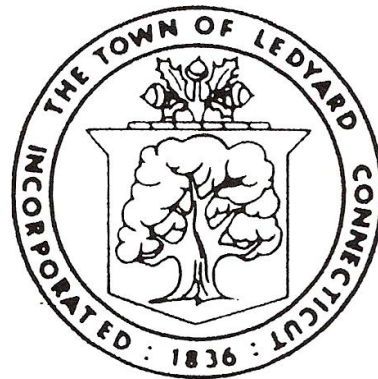


INLAND WETLANDS AND WATERCOURSES REGULATIONS



Town of Ledyard Connecticut

741 Colonel Ledyard Highway
Ledyard, CT 06339
<http://town.ledyard.ct.us>



Effective Date: April 5, 2017

IWWC Commissioners

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**Town of Ledyard, Connecticut Inland Wetlands
and Watercourses Regulations.**

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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 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 Ledyard."

1.3 The Inland Wetlands and Watercourses Commission, herein after referred to as IWWC, of the Town of Ledyard was established in accordance with an ordinance adopted October 10, 1973 and shall implement the purposes and provisions of these regulations and the Inland Wetlands and Watercourses Act in the Town of Ledyard.

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 IWWC shall enforce the Inland Wetlands and Watercourses Act and (1) shall issue, with terms, conditions, limitations or modifications, or deny permits for all regulated activities and/or (2) shall issue determinations for uses of right or for which the IWWC has no jurisdiction which may impact wetlands in the Town of Ledyard pursuant to Sections 22a-36 to 22a-45, inclusive, of the Connecticut Statutes, as amended.

Section 2: Terms and 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.

“Alluvium” means sediment deposited by flowing water, such as sand, silt or clay.

“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 (approximately 4 ½ feet).

“Commissioner of Energy and Environmental Protection” means the commissioner of the State of Connecticut Department of Energy and Environmental Protection.

“Conservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of the owner of the land described therein, including, but not limited to, the state or any other political subdivision of the state, or in any order of taking such land whose purpose is to retain land or water areas predominantly in their natural, scenic, or open condition or in agricultural, farming, forest, or open space use.

“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.

“Days” means calendar days.

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

“Detritus” means loose material, rock fragments or organic particles that have been formed by the disintegration of rocks.

“Designated Agent” means the administrative staff that is charged with the enforcement of these regulations. The Designated Agent must have obtained certification from CT DEEP prior to the Commission authorizing said Agent to approve permits within the 100’ upland review area.

“Discharge” means emission of any water, substance, or material into waters 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. 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, hoop houses 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.

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

“Hydrophytic vegetation” means plants that grow in water or in soil too waterlogged for most plants to survive.

“Intermittent watercourse” means an area of land that is 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.

“IWWC” means the Inland Wetlands and Watercourses Commission of the Town of Ledyard.

“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 Sections 22a-36 to 22a-45, inclusive.

“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, mud, debris, sand, refuse or waste.

”Municipality” means the Town of Ledyard.

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

“Permit” see “License.”

“Permitted Use As of Right.” See Section 4.1 of these regulations.

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

“Person” means any person, firm, partnership, association, corporation, limited liability company, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

“Pollution” means harmful thermal effect or the contamination or rendering unclean or impure of any 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.

“Preservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of the owner of the land, including, but not limited to, the state or any other political subdivision of the state, or in any order of taking such land whose purpose is to preserve historically significant structures or sites.

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

“Regulated activity” means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetlands or watercourses, or any other activity which may impact or effect the Wetlands, but shall not include the specified activities in Section 22a-40 of the Connecticut General Statutes. 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.

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

“Rendering unclean or impure” means any alteration of the physical, chemical or biological properties of any 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 as determined by the IWWC.

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.

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 and the State of Connecticut.

“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 Ledyard.

“Upland Review Area.” The 100’ area extending from the limits of a wetland or watercourse within which activities may be regulated. See “regulated activity.”

“Vernal” means relating to or occurring in the spring.

“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.

“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 "Town of Ledyard Connecticut Inland Wetlands" 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. 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 IWWC 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 IWWC for an official amendment to the map. All petitions for a map amendment 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 IWWC may require such person(s) to provide an accurate delineation of regulated areas in accordance with Section 15 of these regulations and shall require a public hearing for the proposed change.

3.3 The IWWC shall maintain an inventory of regulated areas within the town. The IWWC may amend its map as more accurate information becomes available. Amendments may become official to the Town Map as a result of a public hearing, per Section 15 of these Regulations, by the Ledyard IWWC.

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

Section 4: Uses As of Right & Non-Regulated Uses (Class A activities)

4.1 Notification Required. To carry out the purposes of this Section, any person proposing a use of right or a non-regulated activity and use shall, prior to commencement of such activity and use, notify the IWWC on a form provided by it, and provide the IWWC with sufficient information to enable it to properly determine that the proposed activity and use is as of right or non-regulated use of a wetland or watercourse. The IWWC shall rule that the proposed activity and use or portion of it is a use of right or non-regulated activity or that the proposed activity and use is a regulated activity and a permit is required. The applicant or authorized agent will be notified of the IWWC ruling by the IWWC or its Designated Agent within 10 days of the ruling.

4.2 Use of Right. 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 Energy and 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 filling of 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. boat anchorage or mooring;

- c. uses incidental to the enjoyment and maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the Town (80,000 square feet of lot area). 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;
- d. 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-401 and 22a-403 of the Connecticut General Statutes and;
- e. 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 Section, "maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place.
- f. town maintenance. Use of right includes appropriate measures to mitigate erosion, maintenance of drainage culverts and cleanouts (the first 25 feet), reopening a culvert discharge as well as emergency procedures determined by the Mayor or his/her designated official. Emergency work, for the safety of town residents, may be performed under the purview of the Director of Public Works. A permit for the emergency work may be requested after the activity.
- g. withdrawals of water for fire emergency purposes;
- h. the installation of a dry hydrant by or under the authority of a municipal fire department, provided such dry hydrant is only used for firefighting purposes and there is no alternative access to a public water supply. For the purposes of this section, "dry hydrant" means a non-pressurized pipe system that: (A) is readily accessible to fire department apparatus from a proximate public road, (B) provides for the withdrawal of water by suction to such fire department apparatus, and (C) is permanently installed into an existing lake, pond or stream that is a dependable source of water.

4.3 Non-Regulated Use. The following operations and uses shall be allowed, as non-regulated 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 diving, camping, boating, water skiing, trapping, hunting, fishing and shell fishing where otherwise legally permitted and regulated.

4.4 Application and Permit Required. All activities in 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 IWWC in accordance with Section 6 of these regulations, or for certain regulated activities located outside of wetlands and watercourses from the Designated Agent in accordance with Section 12 of these regulations.

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

5.1 The Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over regulated activities in or affecting wetlands or watercourses, undertaken by any department, IWWC 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 Statutes.

5.2 The Commissioner of Energy and 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 Energy and Environmental Protection shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of Energy and Environmental Protection under Section 22a-402 of the Connecticut General Statutes or a permit issued by the Commissioner of Energy and 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 the IWWC 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 Energy and 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 by Ledyard IWWC.

6.1 There are two classes of regulated activities as defined by these regulations:

1. Class B, Not a Significant Impact
2. Class C, Significant Impact

6.2 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 Ledyard or its Designated Agent.

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

Section 7: Application Requirements

7.1 Any person intending to conduct a regulated activity, including work within the 100' upland review area, or to renew or modify a permit to conduct such activity, shall apply for a permit on the proper form provided by the IWWC. The application shall contain the information described in this Section and any other information the IWWC may reasonably require. Application forms may be obtained in the office of the IWWC.

7.2 A prospective applicant may request preliminary review with the IWWC to discuss whether or not a proposed activity involves a regulated or significant impact activity.

7.3 The application shall contain such information as is deemed necessary for a fair and informed determination by the IWWC. The IWWC may require the use of a soil scientist or other qualified individual as defined by CGS 22A-36 through 45 as revised to delineate the wetlands and a licensed surveyor, or any other person acceptable to the IWWC, to include the delineation on the plan. All applications shall include the following information below in writing or on maps or drawings.

- .1 Applicant's name
- .2 Home and business mailing addresses
- .3 Telephone numbers (if the applicant is a Limited Liability Corporation or a Corporation the managing member's or responsible corporate officer's name, address, and telephone number)
- .4 Property owner's name, mailing address and telephone number
- .5 Written consent of the land owner (if the applicant is not the owner of the land upon which the subject activity is proposed and/or the holder of any conservation or preservation restriction)
- .6 Applicant's interest in the land
- .7 Geographical location of the land
- .8 Description of the land including:
 - a) Sufficient detail to allow identification of the inland wetlands and watercourses
 - b) Area(s) (in acres or square feet) of wetlands or watercourses to be disturbed
 - c) Soil type(s)
 - d) Wetland vegetation
 - e) Purpose and a description of the proposed activity
 - f) Proposed erosion and sedimentation control
- .9 Site plan showing:
 - a) The proposed activity and existing and proposed conditions in relation to wetlands and watercourses.
 - b) Further activities associated with, or reasonably related to, the proposed regulated activity which may have an impact on wetlands or watercourses.
 - c) In the event that the project will be completed in phases, the application must provide an overview as to what has been done prior and what is proposed for the future. The IWWC may take into account these descriptions in rendering a decision.

- .10 Names and mailing addresses of owners of adjacent land and land directly across the street.
- .11 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.
- .12 Authorization for the members and agents of the IWWC to inspect the subject land, at reasonable times, during the pendency of an application and for the life of the permit.
- .13 Completed DEEP reporting form; the IWWC shall revise or correct the information provided by the applicant and submit the form to the Commissioner of Energy and Environmental Protection in accordance with Section 22a-39-14 of the Regulations of Connecticut State Agencies.
- .14 Any other information the IWWC deems necessary to the understanding of what the applicant is proposing and
- .15 Submission of the appropriate filing fee based on the fee schedule established in Section 19 of these regulations.

7.4 Based on the nature and anticipated effects of the activity, the IWWC or its Agent, may require additional information including, but not limited to, the following:

- 7.4.1 Additional site plan information for the proposed activity and the land which will be affected including:
 - a. Existing and proposed conditions
 - b. Wetland and watercourse boundaries
 - c. Land contours
 - d. Boundaries of land ownership
 - e. Proposed alterations and uses of wetlands and watercourses
 - f. Other pertinent features of the land and the proposed activity
 - g. Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Natural Resources Conservation Service.
 - h. Alternatives which would cause less or no environmental impact to wetlands or watercourses and why the alternative, as set forth in the application, was chosen.
 - i. 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

Note: All such alternatives may be required to be diagrammed on a site plan or drawing as determined by the IWWC.

- j. ..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.

- k. 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.
- l. Description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application and 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.
- m. Analysis of chemical or physical characteristics of any fill material.
- n. Management practices and other measures designed to mitigate the impact of the proposed activity.

7.5 The applicant shall certify whether:

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

7.6 Three copies of all application materials shall be submitted to comprise a complete application unless an applicant is otherwise directed, in writing, by the IWWC. Large maps shall be a size consistent with Connecticut General Statutes §7-31.

7.7 Any application to renew or amend an existing permit shall be filed with the IWWC in accordance with Section 8 of these regulations at least sixty-five (65) days prior to the expiration date of the permit. Any application to renew or 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;
- e. The IWWC 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;

7.8 Any application to renew a permit shall be granted upon request of the permit holder unless the IWWC 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 (See 11.6 to 11.9). Such application to renew a permit can be approved provided (a) no permit issued during the time period from July 1, 2006 to July, 2009, inclusive shall be valid for more than eleven years; (b) no permit issued prior to July 1, 2006 or after July 1, 2009 may be valid for more than ten years and (c) permits issued prior to July 1, 2011, if not expired as of May 9, 2011, may be valid for up to 14 years.

Table 7.9. Permit Renewals

Permit Approved	Valid for
Prior to 7-1-06	10 years
Between 7-1-06 to 7-1-09	11 years
After 7-1-09	10 years
Prior to 7-1-11 (if not expired as of 5-9-11)	Up to 14 years
Everything else	2-5 years

Section 8: Application Procedures

8.1 All petitions, applications, or requests shall be submitted to the IWWC or its Agent.

8.2 The IWWC shall, in accordance with Connecticut General Statutes Section 8-7d(f) and 22a-42b, 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 IWWC is within five 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 25-32a of the Connecticut General Statutes or within an Aquifer Protection Area, the applicant shall provide written notification to the water company and the Commissioner of Public Health in a format prescribed by said Commissioner, provided such water company or said Commissioner has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands commission of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed not later than seven days after the date of the application. The water company and the Commissioner of Public Health, through a representative, may appear and be heard at any public hearing on the application.

8.4 The date of receipt of a petition, application, request, or appeal shall be the day of the next regularly scheduled meeting of the IWWC, immediately following the day of submission to the IWWC 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 IWWC may reasonably require. Requests for such additional information shall not stay the time limitations as set forth in Section 11.2 of these regulations.

8.6 All applications shall be open for public inspection.

8.7 Incomplete applications, as determined by the IWWC, may be denied.

Section 9: Public Hearings

9.1 The IWWC shall not hold a public hearing on an application unless:

1. The IWWC determines that the proposed activity may have a significant impact on wetlands or watercourses and/or
2. A petition signed by at least twenty-five persons who are eighteen years of age or older and who reside in the Town of Ledyard, requesting a hearing is filed with the IWWC not later than fourteen days after the date of receipt of such application, as defined in Section 8-7d(c) of the Connecticut General Statutes, and/or
3. The IWWC finds that a public hearing regarding such application would be in the public interest.

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 and may be represented by an agent or by an attorney. The IWWC may issue a permit without a public hearing provided no petition provided for in this Section is filed with the IWWC on or before the fourteenth day after the date of receipt of the application.

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 the Town of Ledyard.

9.3 The applicant shall provide notice of the public hearing to the owner(s) of record of abutting land and land directly across the street, no less than fifteen days prior to the day of the hearing. Such notice shall be by certified mail or the posting of a sign on site.

Section 10: Considerations for Decision

10.1 The IWWC 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 Ledyard:
 1. Conservation
 2. Planning
 3. Zoning
 4. Building Official
 5. Town Authorized Health Officer
- c. The IWWC may also consider comments from the New London County Soil and Water Conservation District, the Southeastern Connecticut Council of Governments or other regional organizations (i.e. Council of Elected Officials); agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations.
- 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 IWWC.
- 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 IWWC shall take into consideration all relevant facts and circumstances, including but not limited to:

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

- activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources; 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 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.
- e. the possibility of further avoiding reduction of the wetland's or watercourse's natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space;
 - f. the extent to which the exercise of property rights and public benefit derived from such use may or may not outweigh or justify the possible degradation of the inland wetland or watercourse, the interference with the exercise of other property rights, and the impairments or endangerment of public health, safety or welfare;
 - g. measures which would mitigate the impact of any aspect of the proposed regulated activity(s). 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 or enhance the wetland's or watercourse's natural capacity to support fish and wild life, prevent flooding, supply water, control sedimentation, prevent erosion, assimilate wastes, facilitate drainage, and to provide recreation and recreational use.

10.3 In the case of an application which received a public hearing pursuant to a finding by the IWWC that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the IWWC finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding the IWWC shall consider the facts and circumstances set forth in Section 10.2. 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 IWWC shall propose on the record in writing the types of alternatives which the applicant may investigate; this Section 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 The IWWC 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.

10.6 In reaching its decision on any application after a public hearing, the IWWC 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 IWWC in its decision. A conclusion that a feasible and prudent alternative does not exist does not create a presumption that permit should be issued. The applicant has the burden of demonstrating that his/her application is consistent with the purposes and policies of these regulations and sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes.

10.7 In the case of an application where the applicant has provided written notice pursuant to Subsection 7, the holder of the restriction may provide proof to the IWWC that granting of the permit application will violate the terms of the restriction. Upon a finding that the requested land use violates the terms of such restriction, the IWWC shall not grant the permit approval.

10.8 In the case of an application where the applicant fails to comply with the provisions of the Subsections 7;

- (1) the party holding the conservation or preservation restriction, other than a State agency that holds such restriction, may, not later than 125 days after receipt of actual notice of permit approval, file an appeal with the IWWC, subject to the rules and regulations of such agency relating to appeals. The IWWC shall reverse the permit approval upon a finding that the requested land use violates the terms of such restrictions; or
- (2) the State agency that holds such restriction may, not later than 30 days after receipt of actual notice of permit approval, file an appeal with the IWWC, subject to the rules and regulations of such agency relating to appeals. The IWWC shall immediately reverse such permit approval if the Commissioner of the State agency that holds such restriction certifies that the land use authorized in such permit violates the terms of such conservation or preservation restriction.

10.9 Nothing in Subsections 7 of these regulations shall be construed to prohibit the filing of a permit application or to require such written notice when the activity that is the subject of such permit application will occur on a portion of property that is not restricted under the terms of such conservation or preservation restriction.

Section 11: Decision Process and Permit

11.1 The IWWC, or its Designated 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 these regulations, 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.

11.2 No later than sixty-five (65) days after official receipt of an application, the IWWC 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 an authorized agent of the property owner. The hearing shall be completed within thirty-five (35) days of its commencement. Action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this Section, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or the applicant may withdraw the application. The failure of the IWWC to act within any time period specified in this Section, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the IWWC may be withdrawn by the applicant or denied by the IWWC.

11.3 The IWWC shall state upon its record the reasons and bases for its decision.

11.4 The IWWC 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 IWWC 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 of Ledyard. In any case in which such notice is not published within such fifteen day period, the applicant may provide for the publication of such notice within ten days thereafter. The permit is not valid until publication of legal notice of decision.

11.5 If an activity authorized by an inland wetland 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 Statutes, the IWWC shall file a copy of the decision and report on the application with the Town of Ledyard Planning Department and Ledyard Zoning Department, within fifteen days of the date of the decision thereon.

11.6 Any permit issued by the IWWC prior to July 1, 2006 or after July 1, 2009 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 provided the IWWC may establish a specific time period within which any regulated activity shall be conducted. Any permit issued by the IWWC for any other activity not requiring approval under Section 8-3, 8-25 or 8-26 of the Connecticut General Statutes shall be valid for not less than two years and not more than five years. Any permit issued by the IWWC prior to July 1, 2011 that was in effect and did not expire prior to May 9, 2011 shall be valid for a period not less than nine (9) years after the date of such approval.

Table 11.6 Approvals: For permits requiring approval under 8-3, 8-25, or 8-26

Permit Issued	Valid for
Prior to July 1, 2006	2-5 years unless otherwise specified by IWWC
July 2, 2006 to July 1, 2009	2-5 years unless otherwise specified by IWWC
After July 1, 2009	2-5 years unless otherwise specified by IWWC
Prior to July 1, 2011 (if not expired) Prior to May 9, 2011	9 years or more
July 1, 2011 to present	2-5 years unless otherwise specified by IWWC

11.7 Requests for an extension shall be filed in writing stating the reason for such request at least sixty (60) days prior to the original expiration date. The commission may require a public hearing on such a request if such was required for the original permit.

11.8 No permit including any renewal shall be valid for more for than ten (10) years.

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

11.10 General provisions in the issuance of all permits:

- a. The IWWC 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 IWWC are subject to and do not derogate any present or future rights or powers of the IWWC or the Town of Ledyard, 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 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.
- e. Permits are not transferable without the prior written consent of the IWWC.

Section 12: Action by Designated Agent to Approve or Extend a Permit.

12.1 The IWWC may delegate to its Designated Agent the authority to approve or extend a permit for an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in a no significant impact on any wetlands or watercourses. Requests for such approval shall be made on a form provided by the IWWC and shall contain the information listed under Section 7 of these regulations and any

other information the IWWC may reasonably require. The provisions for receipt and processing applications prescribed in Sections 8, 9 and 11 of these regulations must be met.

12.2 Any person receiving such approval from such Agent shall, within ten days of the date of such approval, publish, notice of the approval in a newspaper having a general circulation in Ledyard. Any person may appeal such decision of such Agent to the IWWC within fifteen days after the publication date of the notice and the IWWC shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt by the IWWC or its agent of such appeal. Any person may appear and be heard at the meeting held by the IWWC to consider the subject appeal. The IWWC 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 IWWC may require, as a permit condition, the filing of a bond or letter of credit in such amount and in a form approved by the IWWC.

13.2 The bond or letter of credit 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 IWWC may appoint an agent or agents to act on its behalf with the authority to issue a Notice of Violation or an Order to Cease and Desist and carry out other actions or investigations necessary for the enforcement of these regulations. In carrying out the purposes of this Section, the IWWC or its Designated Agent shall take into consideration the criteria for decision under Section 10.3 of these regulations.

14.2 The IWWC or its agent may make regular inspections at reasonable hours of all regulated activities for which permits have been issued with the notification to the property owner or the authorized agent of the owner during the life of the permit.

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

14.4 If the IWWC or its Designated 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 IWWC or its Designated Agent may:

- a. issue a written order (either a Notice of Violation or a Cease and Desist) 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 IWWC 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 IWWC 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 IWWC 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 IWWC 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. 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 IWWC, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The IWWC may request that the individual appear at the next regularly scheduled meeting of the IWWC 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 14.4a. or other enforcement proceedings as provided by law.

14.5 The IWWC 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 IWWC 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 IWWC 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 IWWC's decision to suspend, revoke, or maintain a permit by certified mail within fifteen (15) days of the date of its decision. The IWWC shall publish notice of the suspension or revocation in a newspaper having general circulation in the municipality.

Section 15: Amendments

15.1 General. These regulations and the inventory and map of the wetlands and watercourses entitled "Town of Ledyard Connecticut Inland Wetlands" may be amended, from time to time by the IWWC in accordance with changes in the Connecticut General Statutes or regulations of the Connecticut Department of Energy and Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available.

15.2 An application filed with the IWWC 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 wetland regulations taking effect on or after the date of such receipt and any appeal from the decision of the IWWC 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 inventory and map of the wetlands and watercourses entitled “Town of Ledyard Connecticut Inland Wetlands” shall be amended in the manner specified in Section 22a-42a of the Connecticut General Statutes, as amended. The IWWC shall provide the Commissioner of Energy and Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except map amendments, at least thirty-five days before the public hearing on their adoption.

15.4 Petitions requesting changes or amendments to the “Town of Ledyard Connecticut Inland Wetlands” shall contain at least the following information:

- a. the petitioner's name, mailing address and telephone number;
- b. the address, or location, of the land affected by the petition;
- c. the petitioner's interest in the land affected by the petition;
- d. map(s) showing the geographic location of the land affected by the petition and the existing and the proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations;
- e. the reasons for the requested action,
- f. the name, mailing address and telephone number of the owner(s) of such land;
- g. the names and mailing addresses of the owners of abutting land;
- h. 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;
- i. map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries; and
- j. three (3) paper copies of the map(s) plus, following IWWC action, submission in a digital format are required.

15.5 Any person who submits an application to amend the "Town of Ledyard Connecticut Inland Wetlands” 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 IWWC.

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 Section 15.4, the petition shall include:

- a. the name, mailing address and telephone 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.
- e. 3 paper copies of the map(s) plus submission in a digital format are required.

15.6 Wetlands and watercourses shall be delineated by a soil scientist, or other qualified individual as defined by CGS§ 22a-36 through 45 as revised.

15.7 A public hearing shall be held on petitions to amend the inventory and map of the wetlands and watercourses entitled “Town of Ledyard Connecticut Inland Wetlands.” Notice of the hearing shall be published in a newspaper, having a general circulation in the Town of Ledyard, 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.

15.8 The IWWC shall hold a public hearing on a petition to amend the regulations and the “Town of Ledyard Connecticut Inland Wetlands” within sixty-five (65) days after receipt of such petition. The hearing shall be completed within thirty-five (35) days after commencement. The IWWC shall act upon the changes requested in such petition within sixty-five (65) days after completion of such hearing. At such hearing, any person or persons may appear and be heard and may be represented by an agent authorized by the property owner. The petitioner may consent to one or more extensions of any period specified in this Section, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or may withdraw such petition. Failure of the IWWC to act within any time period specified in this Section or any extension thereof, shall not be deemed to constitute approval of the petition.

15.9 The IWWC shall make its decision and state, in writing, the reasons why the change in the “Town of Ledyard Connecticut Inland Wetlands” was made.

Section 16: Appeals

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

16.2 Two copies of the appeal are to be served on the Town Clerk who will then forward a copy to the IWWC Chair.

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, 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 permits or licenses required by law or regulation by the Town of Ledyard, the State of Connecticut or the Government of the United States including any approval required by the Connecticut Department of Energy and Environmental Protection and the U.S. Army Corps of Engineers. Obtaining such permits or licenses is the sole responsibility of the applicant.

Section 19: Fees

Application fees shall be based on the schedule in APPENDIX A.

19.1 Method of Payment. Class A determination requests are not required to pay a fee. All fees for potential Class B and Class C applications shall be submitted to the IWWC by cash, check or money order payable to the Town of Ledyard at the time the application is filed.

19.2 No application shall be granted or approved by the IWWC unless the correct application fee is paid in full or unless a waiver has been granted by the IWWC pursuant to Section 19.7 of these regulations.

19.3 The application fee is not refundable unless a waiver has been granted by the IWWC.

19.4 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.

19.5 Pursuant to Connecticut General Statutes 22a-27j, as amended, all applications are subject to the required State fee which is in addition to Ledyard fees.

19.6 Exemption. Boards, Commissions, Councils and Departments of the Town of Ledyard are exempt from all fee requirements.

19.7 Waiver Language. 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, 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, or
- c. the applicant has shown good cause.

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

Section 20: Effective Date of Regulations and Revisions

These regulations were originally adopted on October 10, 1973. These revised regulations are effective on April 5, 2017, and/or upon filing in the Office of the Town Clerk.

APPENDIX A. Fee Schedule

Fees are used to offset publication costs and processing fees required for all applications.

Regulated Activities: (Pay and submit with application)

Residential:

Single Family House.....	\$150
Multifamily.....	\$150 for the first unit plus complex application fee from Fee Schedule if required by the IWWC.
Subdivision.....	\$150 per lot containing regulated areas plus complex application fee from Schedule if required by the IWWC
Commercial/ Mixed Use.....	\$150 per lot containing regulated area(s)
Commercial/Mixed Use Subdivision.....	\$150 per lot containing regulated areas plus complex application fee from Fee Schedule if required by the IWWC.
All others (e.g. gazebo, additions, accessory structures).....	\$100
Public Hearing.....	\$300
Extension of previous approval.....	\$100
Modification Review fee.....	\$100 plus complex application fee from Schedule A as appropriate
Regulation Amendment Petitions	\$300
Map Amendment Petitions.....	\$300 plus Complex Application Fee from Schedule and Public Hearing Fee if required by the IWWC
Monitoring Compliance Fee.....	Cost Based

Note: State Fee is payable with application fee and is in addition.

Non Regulated Activities or Use of Right. – No fee required.

Complex Application Fee

IWWC may charge an additional fee sufficient to cover the cost of reviewing and acting on complex applications. Such fee may include, but not be limited to, the cost of retaining experts to analyze, review, and report on issues requiring such experts. The IWWC or the Designated Agent shall estimate the complex application fee after consultation with appropriate professionals, such as an engineer, soil scientist, etc., which shall be paid pursuant to Section 19.1 of these regulations within 10 days of the applicant's receipt or notice of such estimate. Any portion of the complex application fee in excess of the actual cost shall be refunded to the applicant no later than 30 days after publication of the IWWC's decision.