

**INLAND WETLAND AND WATERCOURSES
REGULATIONS**

**FOR THE
TOWN OF BOZRAH**

**SOUTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS
5 Connecticut Avenue, Norwich Connecticut 06360**

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Table of Contents

Section		Page
1	TITLE AND AUTHORITY	3
2	DEFINITIONS	5
3	INVENTORY OF REGULATED AREAS	11
4	PERMITTED AND NONREGULATED USES	12
5	ACTIVITIES REGULATED BY THE STATE	15
6	REGULATED ACTIVITIES TO BE LICENSED	16
7	APPLICATION REQUIREMENTS	17
8	APPLICATION PROCEDURES	24
9	PUBLIC HEARINGS	26
10	CONSIDERATIONS FOR DECISION ON PERMITS	27
11	DECISION AND PERMIT	31
12	BOND AND INSURANCE	35
13	ENFORCEMENT	35
14	AMENDMENTS	37
15	APPEALS	40
16	CONFLICT AND SEVERANCE	40
17	OTHER PERMITS	40
18	EFFECTIVE DATE OF REGULATIONS	41
19	APPLICATION FEES	41

SECTION 1

TITLE AND AUTHORITY

1.0 These Regulations have been prepared and are adopted in accordance with the provisions of the Inland Wetlands and Watercourses Act, Sections 22a-36 to 45, inclusive, of the Connecticut General Statutes, as amended. The Bozrah Conservation Commission was authorized by the Bozrah Town Meeting on December 12, 1973, to adopt and administer inland wetland regulations.

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 wetland 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 inewith 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 Bozrah."

1.3 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.

1.4 The Agency shall enforce all provisions of the Inland Wetlands and Watercourses Act and shall issue, issue with modifications, and deny permits for all regulated activities on inland wetlands and watercourses in the Town of Bozrah 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:

2.1.1 "Act" means the Inland Wetland and Watercourses Act, Sections 22a-36 through 22a-45 of the General Statutes, as amended.

2.1.2 "Agency" is the Conservation Commission and means the Inland Wetlands and Watercourses Agency of the Town of Bozrah.

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

2.1.4 "Clear-cutting" means the harvest of timber in a fashion which removes all trees down to a 4" diameter at breast height.

2.1.5 "Commission member" means a member of the Inland Wetlands and Watercourses Agency of the Town of Bozrah.

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

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

2.1.8 "Designated agent" means an individual designated by the agency to carry out its functions and purposes.

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

2.1.10 "Disturbing the natural and indigenous character of the land" means that the activity will significantly alter the inland wetland and watercourses by reason of removal or deposition of material, clear cutting, alteration or obstruction of water flow, or will result in the pollution of the wetland or watercourses.

2.1.11 "Essential to the farming operation" means that the proposed activity is necessary and indispensable to sustain farming activities on the farm.

2.1.12 "Farming means use of land for the growing of crops, raising of livestock or other agricultural use.

2.1.13 "Feasible" means able to be constructed or implemented consistent with sound engineering principles. (7/01/98)

2.1.14 "License" means the whole or any part of any permit, certificate of approval or similar form of permission which may be required of any person by the provisions of these regulations under the authority of the Inland Wetland Agency.

2.1.15 "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 sediment 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 flows are low and fish and wildlife will not be adversely affected. (7/01/98)

2.1.16 "Marshes" are watercourses 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.

2.1.17 "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.

2.1.18 "Municipality" means the Town of Bozrah, New London County, Connecticut.

2.1.19 "Nurseries" means land used for propagating trees, shrubs or other plants for transplanting, sale, experimentation, or for use as stock for grafting.

2.1.20 "Permit" means the whole or any part of any license, certificate or approval or similar form of permission which may be required of any person by the provisions of these regulations under the authority of the Inland Wetland Agency.

2.1.21 "Permittee" means the person to whom such permit has been issued.

2.1.22 "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.

2.1.23 "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 resulting from any filling or excavation activity.

2.1.24 "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. (7/01/98)

2.1.25 "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, but shall not include the specified activities in Section 4 of these regulations. In accordance with the CGS Section 22a-42a(f) this designation shall also apply to activities, conducted in upland non-wetland areas, which would adversely impact or affect wetlands or watercourses and therefore cause unnecessary or undesirable disturbance or destruction of a regulated area. (7/01/06)

2.1.26 "Regulated area" means any inland wetland or watercourse as defined in these regulations.

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

2.1.28 "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.

2.1.29 "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 wetland or watercourse system:

- 2.1.29.1 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 wetland or watercourse system, or
- 2.1.29.2 Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system, or
- 2.1.29.3 Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to support desirable fisheries, wildlife, or other biological life, prevent flooding, supply water, assimilate waste, facilitate drainage, provide recreation or open space or other functions, or
- 2.1.29.4 Any activity which causes substantial turbidity, siltation or sedimentation in a wetland or watercourse, or
- 2.1.29.5 Any activity which causes a substantial diminution of flow of a natural watercourse, or groundwater levels of the regulated area, or
- 2.1.29.6 Any activity which causes or has the potential to cause pollution of a wetland or watercourse, or
- 2.1.29.7 Any activity which destroys unique wetland or watercourse areas having demonstrable scientific or educational value.

2.1.30 "Soil Scientist" means an individual duly qualified in accordance with standards set by the Federal Office of Personnel Management. (7/01/98)

2.1.31 "Swamps" are watercourses that are dominated by wetland trees and shrubs.

2.1.32 "Submerged lands" means those lands which are inundated by water on a seasonal

or more frequent basis.

2.1.33 "Town" means the Town of Bozrah, New London County in the State of Connecticut.

2.1.34 "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.

2.1.35 "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 any portion thereof, not regulated pursuant to Sections 22a-28 to 22a-35, inclusive, of the General Statutes. Intermittent watercourse 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 the (C) the presence of hydrophytic vegetation. (7/01/98)

2.1.36 "Wetlands" means land, including submerged land, not regulated pursuant to Sections 22a-28 to 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 United States Department of Agriculture. (7/01/98) 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 REGULATED AREAS

3.1 The map of regulated areas, entitled "Town of Bozrah Designated Wetland Soils Map," delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection in the office of the Town Clerk. In all cases, the precise location of regulated areas shall be determined by the actual character of the land, the distribution of wetland soil types, and locations of watercourses. The Agency may use aerial photography, remote sensing imagery, resource mapping, soil maps, site inspection observations or other information in determining the location of the boundaries of wetlands and watercourses. (7/01/98)

3.2 Any property owner who disputes the designation of any part of his or her land as a regulated area on the Inland Wetlands and Watercourses Map, may petition the Agency to change the designation. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall provide proof that the designation is inapplicable. Documentation in accordance with Section 14 of these regulations may be required of the property owner when the Agency requires an accurate delineation of regulated areas.

3.3 The Agency 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:

4.1.1 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 or watercourses for the purposes of sale; (7/01/98)

4.1.2 Boat anchorage or mooring, not to include dredging or dock construction;

4.1.3 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.

4.1.4 Construction and operation, by water companies as defined by Section 16-1 of the 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-410 of the General Statutes.

4.1.5 A residential home (i) for which a building permit has been issued or (ii) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of section 22a-42a, of the CGS, or as of July 1, 1974, which ever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subdivision unless the permit was obtained on or before July 1, 1987.

4.1.6 Withdrawals of water for fire emergency purposes.
(10/4/12)

4.2 The following operations and uses shall be permitted as nonregulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:

4.2.1 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.

4.2.2 Outdoor recreation including the use of play and sporting areas, golf, courses, field trails, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shellfishing and cross-country skiing where otherwise legally permitted and regulated.

4.2.3 The installation of a dry hydrant by or under the authority of a municipal fire department, provided such dry hydrant is only used for firefighting purposes and there is no alternative access to a public water supply. For purposes of this section, "dry hydrant" means a non-pressurized pipe system that: (A) is readily accessible to fire department apparatus from a proximate public road, (B) provides for the withdrawal of water by suction to such fire department apparatus, and (C) is permanently installed into an existing lake, pond or stream that is a dependable source of water. (10/4/12)

4.3 All activities in wetlands or watercourses involving filling, excavation, dredging, clear cutting, grading and excavation or any other alteration or use of a wetland or watercourse not specifically permitted by this section shall require a permit from the Agency in accordance with Section 6 of these regulations.

4.4 To carry out the purposes of this section, any person proposing to carry out a permitted or nonregulated operation or use of a wetland or watercourse, which may disturb the natural and indigenous character of the wetland and watercourses, shall, prior to commencement of such operation or use, notify the Agency on a form provided by it, and provide the Agency with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or nonregulated use of the wetland or watercourse. Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the Agency following the

meeting at which the request was received.

SECTION 5

ACTIVITIES REGULATED BY THE STATE

5.1 In addition to any permit or approval required by the Agency, the Commissioner of Environmental Protection shall regulate activities in or affecting wetlands or watercourses subject to the following jurisdiction:

5.1.1 Construction or modification of any dam pursuant to Sections 22a-401 through 22a-410 of the General Statutes, as amended;

5.1.2 Construction, encroachment or placement of any obstruction within stream channel encroachment lines pursuant to Sections 22a-342 through 22a-349 of the General Statutes, as amended;

5.1.3 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 General Statutes, as amended;

5.1.4 Discharges into the waters of the state pursuant to Section 22a-430 of the General Statutes, as amended.

5.1.5 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.

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, pursuant to Sections 22a-39 through 22a-45a of the Connecticut General Statutes as amended.

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 under section 22a-402 or a dam construction permit issued by the Commissioner under sections 22a-403 or 22a-41 of the Connecticut General Statutes as amended. Any person receiving such dam repair or removal order or dam construction permit shall not be required to obtain a permit from a municipal wetlands agency for any action necessary to comply with said dam order or to carry out the activities authorized by said 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 Wetland Agency of the Town of Bozrah.

6.2 The Agency shall regulate any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses and any other regulated activity, unless such operation or use is permitted or non-regulated pursuant to Section 4 of these regulations.

6.3 Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Town of Bozrah Inland Wetland Agency, 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 shall apply for a permit on a form entitled "Town of Bozrah Inland Wetlands and Watercourses Agency - Application for permit." An application shall include an application form and such information as prescribed by Section 7.3 and, in the case of a significant activity, by Section 7.4 of these regulations. Application forms may be obtained in the office of the Bozrah Town Clerk.

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

7.3 All applications shall include the following information in writing:

7.3.1 The applicant's name, home and business address and 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;

7.3.2 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;

7.3.3 Applicant's interest in the land;

7.3.4 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.

7.3.5 The purpose and a description of the proposed activity including proposed erosion and sedimentation controls. Other management practices and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity include, but are 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. (7/01/98)

7.3.6 Alternatives which would cause less or no environmental impact to wetlands or watercourse and why the proposal to alter wetlands set forth in the application was chosen; all such alternatives shall be diagramed on a site plan or drawing;

7.3.7 A site plan showing existing and proposed conditions in relation to wetlands and watercourses. This plan shall identify 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. (7/01/98)

7.3.8 Names and addresses of adjacent property owners;

7.3.9 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;

7.3.10 Authorization for the commissioners and agents of the Agency to inspect the property, at reasonable times, during the pendency of an application and for the life of the permit;

7.3.11 Submission of the appropriate filing fee based on the fee schedule established in Section 19 of these Regulations.

7.4 At the discretion of the Commission or when the proposed activity involves a significant activity as determined by the Agency and defined in Section 2.1.25 of these Regulations, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following is required:

7.4.1 Site plans for the proposed use or operation and the property which will be affected, which show existing and proposed conditions, wetland and watercourse boundaries, land contours at 2' intervals, 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 qualified person acceptable to the Agency, the scale of the site plan shall be 1" = 40'; the plan shall also contain a location plan. The location plan shall not be smaller in scale than 1" = 1000'. All plans shall include a north arrow.

7.4.2 Engineering reports and analysis and additional drawings to fully describe the proposed project and any filling, excavation, drainage or hydraulic modifications to watercourses;

7.4.3 Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Soil Conservation Service (the Agency may require the applicant to have the wetlands delineated in the field by a soil scientist and that the field delineation be incorporated onto the site plan by a licensed surveyor or a person acceptable to the Agency);

7.4.4 Description of the functions of the wetlands or watercourses involved with the application and the effects of the proposed regulated activities on these wetland functions; see Appendix C.

7.4.5 Description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application, and with each alternative, and a description of why each alternative considered was deemed neither feasible nor prudent;

7.4.6 Analysis of chemical or physical characteristics of any fill material may be required by the Agency;

7.4.7 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.

7.4.8 An approval block with designated spaces for the date and signature of the Chairman

of the Commission. This block shall have a minimum dimension of 1" by 2" and be located in the lower right corner of the plan.

7.4.9 When regulated areas are delineated by a soil scientist the plan shall be signed by the individual and include certificate number, date of field survey and date of soil scientist approval.

7.4.10 Plans shall include the following note;

*Note: This property has wetland, water course, swamp, marsh or bog characteristics, which have been defined by this document before the Conservation Commission of the Town of Bozrah, Connecticut. Purchase of this property conveys the responsibility of abiding by all Federal, State and Municipal regulations for the preservation and protection of these "Regulated areas." See the "Inland Wetland and Watercourses Regulations" for the Town of Bozrah, Connecticut for permitted and regulated uses of these areas.

7.5 The applicant shall certify whether: (See Section 8.2 of these regulations.)

7.5.1 Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;

7.5.2 Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;

7.5.3 Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality; or,

7.5.4 Water run-off from the improved site will impact streets or other municipal or private

property within the adjoining municipality.

7.6 Twelve copies of all application materials shall be submitted to comprise a complete application or as is otherwise directed, in writing, by the Inland Wetland Agency.

7.7 Any application to extend the expiration date of a previously issued permit or amend an existing permit shall be filed with the Agency at least sixty-five (65) days prior to the expiration date for the permit in accordance with Subsections 8.3 through 8.7 of these Regulations. Any application for amendment, renewal or extension shall be made in accordance with this Section provided:

7.7.1 The application may incorporate by reference the documentation and record of the original application;

7.7.2 The application shall state the reason why the authorized activities were not initiated or completed within the time specified in the permit;

7.7.3 The application for amendment shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or the property for which the permit was issued;
(7/01/98)

7.7.4 The agency shall evaluate an application for amendment pursuant to Section 10 of these Regulations and grant the application as filed, grant it with any terms or limitations, or deny it. (7/01/98)

7.7.5 The Agency 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 judgement, the permit is likely to be extended and the public interest or environment will be best 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.

7.7.6 Any application to renew a permit shall be granted upon request of the permit holder unless the Agency finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit shall be valid for more than ten years; and further provided that any permit issued prior to July 1, 2011 that did not expire prior to May 9, 2011 shall be valid for no more than fourteen years.
(10/4/12)

7.8 For any permit application involving property subject to a conservation restriction or preservation restriction, the following shall apply:

- a. For the purposes of this section "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 political subdivision of the state, or in any order of taking such land whose purpose is to retain land or water areas predominately in their natural, scenic or open condition or in agricultural, farming, forest or open space use.
- b. For the purposes of this section, "preservation restriction" means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land, including, but limited to, the state or any political subdivision of the state, or in any order of taking of such land whose purpose is to preserve historically significant structures or sites.

- c. No person shall file a permit application, other than for interior work in an existing building or for exterior work on an existing building that does not expand or alter the footprint of such existing building, relating to property that is subject to a conservation restriction or a preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction, including but not limited to, any state agency that holds such restriction, not later than sixty (60) days prior to the filing of the permit application. (10/4/12)

- d. In lieu of such notice pursuant to subsection 7.8c, the applicant may submit a letter from the holder of such restriction or from the holder's authorized agent, verifying that the application is in compliance with the terms of the restriction.
(6/01/10)

SECTION 8

APPLICATION PROCEDURES

8.1 All applications shall be filed with the Clerk of the Town of Bozrah or their designee.

8.2 The commission shall notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which (1) Any portion of the property affected by a decision of the commission is within five hundred (500) feet of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail,

return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, request or plan. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, appeal, request or plan. (7/1/06)

8.3 The date of receipt of any application shall be the day of the next regularly scheduled meeting of the Agency immediately following the day of submission to the Agency, or thirty-five days after such submission, whichever is sooner, as stipulated by CGS Section 8-7d(c). (7/1/06)

8.4 At any time during the review period, the Agency may require the applicant to provide additional information about the regulated area or regulated activity which is the subject of the application, or wetlands or watercourses affected by the regulated activity. Requests for additional information shall not stay the time limitations as set forth in Section 11.2.

8.5 All applications shall be open for public inspection.

8.6 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, the applicant shall provide written notice of the application 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 agency 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 hearing on the application. (10/4/12)

8.7 Incomplete applications may be denied.

SECTION 9
PUBLIC HEARINGS

9.1 The Agency shall not hold a public hearing on such application unless the agency determines that the proposed activity may have a significant impact on wetlands or watercourses or a petition signed by at least twenty-five persons who are eighteen years of age or older and who reside in the municipality in which the regulated activity is proposed, requesting a hearing is filed with the agency not later than fourteen (14) days after the date of receipt of such application or the agency finds that a public hearing regarding such application would be in the public interest. The Commission may issue a permit without a public hearing provided no petition provided for in this section is filed with the Commission on or before the fourteenth day after the receipt of the application. Such hearing shall be held no later than sixty-five days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. Any person may appear and be heard at any public hearing. (7/01/98)(7/1/06)(6/01/10)

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 Bozrah where the affected wetland and watercourse is located.

9.3 Notice of the public hearing shall be mailed by the applicant using Certified Mail to the owner(s) of record of abutting land no less than fifteen days prior to the day of the hearing. Proof of mailing shall be submitted to the Agency by the date of the hearing.

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

SECTION 10

CONSIDERATIONS FOR DECISION

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

10.1.1 The application and its supporting documentation;

10.1.2 Public comments, evidence and testimony;

10.1.3 Reports from other agencies and commissions including but not limited to the Town of Bozrah;

10.1.4 The Agency may also consider comments on any application from the New London County Soil and Water Conservation district, the Southeastern Connecticut Council of Governments or other regional organizations, agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations.

10.1.5 Non-receipt of comments from agencies and commissions listed in 10.1.3 above within the prescribed time shall neither delay nor prejudice the decision of the Agency.

10.2 Standards and criteria for decision. In carrying out the purposes and policies of Sections 22a-36 to 22a-45 of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Agency shall take into consideration all relevant facts and circumstances, including but not limited to the following: (7/01/98)

10.2.1 The environmental impact of the proposed regulated activity on wetlands or watercourses. (7/01/98)

10.2.2 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. (7/01/98)

10.2.3 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. (7/01/98)

10.2.4 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. (7/01/98)

10.2.5 The character and degree of injury to, or interference with, safety, health, or the reasonable use of property which would be caused or threatened by the proposed regulated activity. (7/01/98)

10.2.6 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. (7/01/98)

10.2.7 Measures which would mitigate the impact of any aspect of the proposed regulated activity(ies). Such measures include, but are not limited to, actions which would avoid

adverse impacts or lessen impacts to wetlands and watercourses and which could be feasibly carried out by the applicant and would protect the wetland's or watercourse's natural capacity to support fish and wild life, prevent flooding, supply water, control sedimentation, prevent erosion, assimilate wastes, facilitate drainage, and to provide recreation and open space.

10.2.8 For the purposes of these section, (1) “wetlands or watercourses” includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (2) “habitats” means areas or environments in which an organism or biological population normally lives or occurs. (7/1/06)

10.2.9 A municipal inland wetlands agency shall not deny or conditional 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. (7/1/06)

10.3 In the case of an application which received a public hearing pursuant to a finding by the Agency that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Agency finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding, the Agency shall consider the facts and circumstances set forth in Section 10 of these regulations. The finding and the reasons therefore shall be stated on the record in writing. (7/01/98)

10.4 In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the Agency shall propose on the record in writing the types of alternatives which the applicant may investigate provided this subsection shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity. (7/01/98)

10.5 In reaching its decision on any application after a public hearing, the Agency shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Agency in its decision. A conclusion that a feasible and prudent alternative does not exist does not create a presumption that a permit should be issued. The applicant has the burden of demonstrating that his application is consistent with the purposes and policies of these regulations and sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes. (7/1/06)

10.6 In the case of an application where the applicant has provided written notice pursuant to subsection 7.11c of these regulations, the holder of the restriction may provide proof to the inland wetlands agency that granting of the permit application will violate the terms of the restriction. Upon a finding that the requested land use violates the terms of such restriction, the inland wetlands agency shall not grant the permit approval. (6/01/10)

10.7 In the case of an application where the applicant fails to comply with the provisions of subsections 7.8 c or 7.8 d of these regulations, (1) the party holding the conservation or preservation restriction, other than a state agency that holds such restriction, may, not later than fifteen (15) days after receipt of actual notice of permit approval, file an appeal with the inland wetlands agency, subject to the rules and regulations of such agency relating to appeals. The inland wetlands agency shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction; or (2) the state agency that holds such restriction may, not later than thirty days after receipt of actual notice of permit approval, file an appeal with the inland wetlands agency, subject to the rules and regulations of such agency relating to appeals. The inland wetlands agency shall immediately reverse such permit approval if the commissioner of the state agency that holds such restriction certifies that the land use authorized in such permit violates the terms of such conservation or preservation restriction. (10/4/12)

10.8 Nothing in subsections 7.8 c or 7.8d 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. (10/4/12)

SECTION 11

DECISION PROCESS AND PERMIT

11.1 In granting a permit the Agency, 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 Connecticut 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. (7/01/98)

11.2 No later than sixty-five (65) days after receipt of an application, the Agency may hold a public hearing on such application. The hearing shall be completed within thirty-five (35) days of its commencement and action shall be taken on applications within thirty-five (35) days after completion of a public hearing. The applicant may consent to one or more extensions provided that all such extensions shall not exceed sixty-five (65) days. 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 this time period provided all such extensions shall not exceed sixty-five (65) days, or may withdraw such application. Failure of the inland wetlands agency to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application. (01/01/90)
(7/1/06)

11.3 The Agency shall state upon its record the reasons and basis 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 For any permit for a regulated activity the Agency shall notify the applicant of its decision within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the Agency shall cause notice of its order in the issuance or denial of the permit, to be published in a newspaper having general circulation in the Town of Bozrah wherein the inland wetland or watercourse lies. In any case in which such notice is not published within such fifteen day period, the applicant may provide for the publication of such notice within ten days thereafter. (01/01/90)

11.5 If an activity authorized by the inland wetland permit also involves an activity or project which requires zoning or subdivision approval, a special zoning permit, variance or special exception, a copy of the decision and report on the application shall be filed with the Town of Bozrah Planning and Zoning Commission within fifteen days of the date of the decision.

11.6 If the Agency grants a permit with terms, conditions, limitations or modifications, the applicant may attempt to modify the proposal to the Agency's satisfaction. Such terms may include restrictions as to the time of year in which a regulated activity may be conducted, provided the inland wetlands agency, or its agent, determines that such restrictions are necessary to carry out the policy of Sections 22a-36 to 22a-45 inclusive of the Connecticut General Statutes. The Agency shall determine whether the proposed modification requires the filing of a new application. (10/4/12)

11.7 Any permit issued under this section for the development of property for which an approval is required under CGS chapter 124, 124b, 126 or 126a of the Connecticut General Statutes shall be valid until the approval granted under such chapter expires or ten years, whichever is earlier. Any permit issued under this section for any activity for which an approval is not required under chapter 124, 124b, 126 or 126a shall be valid for not less than two years and not more than five years.

(10/4/12)

11.7.1 Notwithstanding the provisions of Section 11.7 of these regulations, any permit issued by the Commission prior to July 1, 2011 that was in effect and did not expire prior to May 9, 2011 shall be valid for a period not less than nine years after the date of such approval. (10/4/12)

11.8 No permit shall be assigned or transferred without 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:

11.10.1 In evaluating applications in which the Agency relied in whole or in part on information provided by the applicant, if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked.

11.10.2 All permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Agency or the Town of Bozrah, 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.

11.10.3 If the activity authorized by the inland wetland permit also involves an activity or a project which requires zoning or subdivision approval, special permit, variance or special exception, no work pursuant to the wetland permit may begin until such approval is obtained.

11.10.4 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.

11.11 The Agency 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 of D.E.P. pursuant to Section 22a-39, as amended, of the Connecticut General Statutes. Notwithstanding the provisions for receipt and processing applications prescribed in these regulations, such agent may approve or extend such activity at any time. (7/01/98)

11.12 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 general circulation in the town of Bozrah. Any person may appeal such decision of such agent to the agency within fifteen days after the publication date of the notice and the Agency shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three business days after receipt by such agency or its agent of such appeal. The Agency shall, at its discretion, sustain, alter, or reject the decision of its agent or require an application for a permit in accordance with Section 7 of these regulations. (7/01/98)

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 the Agency, be required to file a bond with such surety in such amount and in a form approved by the Agency.

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

12.3 The Agency 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 commensurate with the regulated activity.

SECTION 13

ENFORCEMENT

13.1 The Agency may appoint an agent or agents to act in its behalf with the authority to inspect property except a private residence (dwelling or building), 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 Agency and/or its agent may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued under these regulations with the consent of the property owner or the authorized agent of the owner during the life of the permit. (6/01/10)

13.3 If the Agency or its duly authorized agent finds that any person is conducting or maintaining

any activity, facility or conditions which is in violation of the Inland Wetland and Watercourse Act or these Regulations, the Agency or its duly authorized agent may:

13.3.1 Issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order the agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Agency shall consider the facts presented at the hearing and within 10 (ten) days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that revised order is in effect, or that the order has been withdrawn. The Agency shall publish notice of its decision in a newspaper having general circulation in the Town of Bozrah. The original order shall be effective upon issuance and shall remain in effect until the Agency affirms, revises or withdraws the order. The issuance of an order pursuant to this section shall not delay or bar an action pursuant to Section 22a-44(b) of the General Statutes, as amended. The agency may file a certificate of such order in the Office of the Town Clerk and the Town Clerk shall record such certificate in the land records. Such certificate shall be released upon compliance with such order. (7/01/98)

13.3.2 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 Agency shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. At a hearing the permittee shall be given an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the Agency's decision to suspend, revoke, or maintain a permit by personal service or certified mail within fifteen (15) days of the date of its decision;

13.3.3 Issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Agency, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The Agency may request that the individual appear at the next regularly scheduled meeting of the Agency to discuss the unauthorized activity, and/or provide a written reply to the notice or filing a proper application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in Subsection 13.3.1 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 Bozrah may be amended, from time to time, by the Agency in accordance with changes in the Connecticut General Statutes or regulations of the State Department of Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available.

(b) An application filed with an inland wetlands agency which is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with a change in inland wetlands regulations, (no boundaries) including changes to setbacks and buffers, taking 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 General Statutes as of the date of such receipt. (7/01/98)

14.2 These regulations and the Town of Bozrah Inland Wetlands and Watercourses Map shall be

amended in the manner specified in Section 22a-42a of the Connecticut General Statutes, as amended. The Agency shall provide the Commissioner of Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except determinations of boundaries, at least thirty-five days before the public hearing on their adoption. Application forms and fee schedules shall be considered as part of the Agency regulations.

14.3 Petitions requesting changes or amendments to the "Town of Bozrah Designated Wetland Soils Map" shall contain at least the following information:

14.3.1 The applicant's name, address and telephone number;

14.3.2 The owner's name (if not the applicant), address, telephone number, and a written consent to the proposed action set forth in the application;

14.3.3 Applicant's interest in the land;

14.3.4 The geographic location of the property involved in the petition including a description of the land in sufficient detail to allow identification of the disputed wetland or watercourse areas;

14.3.5 The reasons for the requested action;

14.3.6 The names and addresses of adjacent property owners; and

14.3.7 A map showing proposed development of the property.

14.4 The Inland Wetland Agency may require the property owner to present documentation by a soil scientist that the land in question does not have a soil type classified by the National Cooperative soils survey as poorly drained, very poorly drained, alluvial, or flood plain. Such

documentation includes a map of the land in question signed by a soil scientist on which the flag locations defining the boundaries of the regulated soil types are depicted.

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

14.6 A public hearing shall be held on petitions to amend the Inland Wetland and Watercourses Map. Notice of the hearing shall be published in a newspaper having substantial circulation in the Town of Bozrah at least twice at intervals of not less than two days, the first not more than twenty-five days nor less than fifteen 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 days before such hearing.

14.7 Within sixty-five (65) days after receipt of a petition for a change in the mapped boundaries of any wetland or watercourse, the Agency shall hold a public hearing to consider the petition. The hearing shall be completed within thirty-five (35) days after such hearing commences. The Agency shall act upon the changes requested in such petition within sixty-five (65) 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 all such period shall not exceed sixty-five (65) days, or may withdraw such petition. The failure of the inland wetlands agency to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the petition. (01/01/90) (CGS Section 8-7d) (7/1/06)

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

SECTION 15

APPEALS

15.1 Appeal on actions of the Agency shall be made in accordance with the provisions of Section

22a-43 of the General Statutes, as amended.

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

SECTION 16

CONFLICT AND SEVERANCE

.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 valid part or parts.

SECTION 17

OTHER PERMITS

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 regulation by the Town of Bozrah, 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 Bozrah.

SECTION 19

APPLICATION FEES

19.1 Method of Payment. All fees required by these regulations shall be submitted to the agency by cash, check or money order payable to the Town of Bozrah. Map or regulation amendment petition and basic fees must be paid at the time the application is submitted. Significant activity fees may be paid following the decision that the application constitutes a significant activity. In all cases all fees shall be paid before the issuance of any permit.

19.2 Exemptions. Boards, Commissions, and Departments of the Town of Bozrah are exempt from all fees. All other requirements of these regulations are applicable.

19.3 Fee Refund. The fee is non-refundable unless the application is withdrawn before its receipt by the Commission.

19.4 Fee Schedule. Application fees shall be in accordance with the Town Ordinance establishing fees for land use applications. (10/4/12)