

two years of completion of such operations, in an amount to be determined by the Commission commensurate with the regulated activity.

12.4 The applicant may, at the discretion of the Commission, be requested to dedicate a conservation easement in a form acceptable to the Commission, to protect, maintain and conserve the inland wetlands and watercourses in their natural state. Such dedication may be considered by the Commission as a negative impact mitigation measure.

SECTION 13

ENFORCEMENT

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

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

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

- a. Issue a written notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Commission, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in regulated areas. The Commission may request that the individual appear at the next regularly scheduled meeting of the Commission 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 the notice of violation may result in the issuance of the order provided in Subsection 13.3.b of these regulations, or other enforcement proceedings as provided by law.
- b. Issue a written formal notice of violation, and/or cease and desist order by certified mail, return receipt requested, and if so desired, sheriff delivery to such person(s) conducting such activity or maintaining

such facility or condition. Within ten days of the issuance of such order the Commission shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Commission shall consider the facts presented at the hearing and within ten 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 original order shall be effective upon issuance and shall remain in effect until the Commission affirms, revises or withdraws the order. The issuance of an order pursuant to this section shall not delay or bar an action pursuant to Section 22a-44(b) of the Connecticut General Statutes as amended. The Commission shall publish notice of its decision in a newspaper having a general circulation in the municipality.

- c. 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 Commission shall issue notice to the permittee, by certified mail, and if so desired, sheriff delivery, return receipt requested, setting forth the facts or conduct which warrant the intended action. The Commission shall hold a hearing to provide the permittee an opportunity to show compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the Commission's decision to suspend, revoke, or maintain a permit by certified mail within fifteen days of the date of its decision. The Commission shall cause notice of the revocation or suspension of a permit, in a daily newspaper having general circulation in the municipality wherein the wetland or watercourse lies within fifteen days of the decision.

13.4 Any person who commits, takes part in, or assists in any violation of any provisions of these regulations, or as otherwise set forth in said Statutes in Sections 22a-36 to 22a-45 inclusive of the Connecticut General Statutes as amended, shall be fined not more than one thousand dollars and/or be imprisoned for not more than six months for each offense. Each violation shall be a separate and distinct offense, and, in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense.

13.5 The Commission may petition the Superior Court, in accordance with Section 22a-44(b) of the Connecticut General Statutes, as amended, to restrain continuing violation, to correct or remove violation, and to assess damages in an amount necessary to effect restoration of the affected wetlands and watercourses.

13.6 Any person disputing the location of a wetland or watercourse as defined in these regulations shall bear the burden of proof pursuant to Section 14.3 of these regulations.

SECTION 14

AMENDMENTS

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

14.2 These regulations and the “Official Inland Wetlands and Watercourses Map of the City of Norwich, Connecticut” shall be amended in the manner specified in Section 22a-42a of the Connecticut General Statutes, as amended. The Commission shall provide the Commissioner of Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except map amendments, pursuant to subsection 14.3 of this section, at least thirty-five days before the public hearing on their adoption.

- a. An application filed with the Commission which is in conformance with the applicable Inland Wetlands and Watercourses Regulations as of the date of the decision of such Commission with respect to such application shall not be required thereafter to comply with any change in Inland Wetlands and Watercourses Regulations, including changes to setbacks and buffers, taking effect on or after the date of such decision; and any appeal from the decision of such Commission with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such decision. 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 decision.

14.3 Petitions requesting changes or amendments to the “Official Inland Wetlands and Watercourses Map of the City of Norwich, Connecticut” shall contain at least the following information:

- a. the applicant's name, address and telephone number;
- b. the owner's name, address, telephone number, and a written consent to the proposed action set forth in the application;
- c. applicant's interest in the land;
- d. 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;
- e. the reason for the requested action;
- f. the names and addresses of adjacent property owners; and
- g. a site plan showing proposed development of the property in relation to existing and proposed wetland and watercourse boundaries; and
- h. documentation by a soil scientist of the distribution of wetland soils on such land. Such documentation shall at a minimum include the report of the soil scientist documenting the location of the wetland soils on the land and a map of said land indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types.

14.4 The Commission may require the petitioner to present documentation by a qualified soil scientist that the land in question does not contain a soil type classified by the National Cooperative Soil Survey as poorly drained, very poorly drained, alluvial or floodplain. Such documentation includes a map of the land in question, signed by a soil scientist on which flag locations defining the boundaries of the regulated soil types are depicted.

14.5 Watercourses shall be delineated by a competent soil scientist, geologist, ecologist or other individual satisfactory to the Commission.

14.6 A public hearing shall be held on petitions to amend the "Official Inland Wetlands and Watercourses Map of the City of Norwich, Connecticut." Notice of the time and place of such hearing shall be published in the form of a legal advertisement, appearing in a newspaper having a substantial circulation on the municipality at least twice at intervals of not less than two days, the first not more than fifteen days nor less than ten days, and the last not less than two days, before such hearing. A copy of such proposed boundary change shall be filed in the Office of the City Clerk, for public inspection, at least ten days before such hearing.

14.7 At least fifteen days prior to the date of the public hearing, the petitioner shall mail, postage prepaid, or deliver a copy of a statement describing the location, size and nature of the proposed amendment, to all owners of record, of lots located adjacent to or abutting on the boundaries of the property, or located on the other side of the street opposite the property, as such owners appear on the last completed grand list, at the address shown thereon. The petitioner shall provide proof of such notification to the Commission prior to the public hearing. The mailing date and the hearing date are not included in the fifteen day count.

14.8 Within ninety days after receipt of a petition for a change in the mapped boundaries of any wetland or watercourse, the Commission shall hold a public hearing to consider the petition. The public hearing shall be concluded within forty-five days. The Commission shall act upon the changes requested in such petition within sixty days after the hearing is closed. The petitioner may consent to one or more extensions of the periods specified in this subsection for the holding of the hearing and for action on such petition, provided the total extension of any such period shall not be for longer than the original period as specified in this subsection, or may withdraw such petition. The failure of this Commission to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the petition.

14.9 The Commission shall make its decision in writing and state the reasons for the decision on whether to approve or reject the proposed amendments to the "Official Inland Wetlands and Watercourses Map of the City of Norwich, Connecticut."

14.10 The provisions of this section shall not apply in the case of a comprehensive remapping of the City of Norwich by the Commission.

SECTION 15

APPEALS

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

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

SECTION 16

CONFLICT AND SEVERANCE

16.1 If there is a conflict between the provisions of these regulations, the provision which imposes the most stringent standards for the use of wetlands and watercourses shall govern. The invalidity of any word, clause, sentence, section, part, subsection or

provision of these regulations shall not affect the validity of any other part which can be given effect without such 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 City of Norwich, State of Connecticut, and of the United States Government 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

ASSESSMENT RELIEF

18.1 Any owner of wetlands and watercourses who may be denied a permit in connection with the regulated activity affecting such wetlands and watercourses, shall, upon written application to the Assessor of the City of Norwich, be entitled to a revaluation of such property to reflect the fair market value thereof in light of the restriction placed upon it by the denial of such permit. The revaluation shall be effective with respect to the next succeeding assessment list, provided no such revaluation shall be affected retroactively.

SECTION 19

APPLICATION FEES

19.1 All fees required by these regulations shall be submitted to the Commission in the form of a check made payable to the Tax Collector of the City of Norwich.

19.2 No application shall be deemed complete or accepted by the Commission unless the correct application fee is paid in full or unless a waiver has been granted by the Commission pursuant to Subsection 19.4 of these regulations.

19.3 Application fees shall be based on the following schedule, and shall include the \$10.00 surcharge required by the State of Connecticut Public Act 92-235:

- a. Permitted and Nonregulated Use - Section 4 of these regulations.
 - Permitted as of right.....No Charge
 - Nonregulated Use.....No Charge
 - Buffer Area Activities.....\$50.00

- b. Regulated Use - Section 6 of these regulations.
 - Residential - Single Family.....\$35.00
 - Residential Uses including subdivision.....\$110.00
 - plus cost per lot over 5 lots.....\$35.00
 - No fee for modification/extension
 - Commercial, industrial and multi-family as
 - defined in the City of Norwich Zoning
 - Regulations.....\$135.00

- c. Other Uses.....\$135.00

- d. Public Hearings.....\$150.00

- e. Official Inland Wetland Map Amendment
 - Petitions.....\$160.00

- f. Modification of previous approval.....\$ 60.00

- g. Request to extend the expiration date of a
- previously issued permit.....\$ 60.00

- h. Appeal of buffer permit.....\$50.00

19.4 Fee Exemptions - All boards, commissions, and departments of the City of Norwich are exempt from all application fee requirements.

SECTION 20

RECORDS RETENTION AND DISPOSITION

20.1 The Commission and the City Clerk for the City of Norwich shall retain complete administrative records of Commission actions and dispose of such records in accordance with the retention/disposition schedules set forth in Subsection 20.2.

20.2 The public records administrator of the Connecticut State Library established the following new records retention/disposition schedules for Municipal Inland Wetlands Commissions effective April 24, 1989.

RECORD TITLE MEINIMUM RETENTION REQUIRED

	<u>COMMISSION</u>	<u>CITY CLERK</u>
Applications (including supporting materials)	10 years	--
Decision Letters	10 years	Permanent
Approved Site Plans	10 years	--
Legal Notices	10 years	Permanent
Staff and Public Written Testimony (Hearing Records)	10 years	--
Minutes of Meetings and Public Hearings	15 years	Permanent
Tapes, Audio-Inland Wetland Matters	4 years	--
Notices of Violation and Orders	10 years	--
Text of Changes Adopted in Regulations	Continuous Update/ Permanent	--
General Correspondence Issued or Received	5 years	--

SECTION 21

BUFFER AREA ACTIVITIES EXCLUSION

21.1 Exceptions to the buffer area activities provisions contained within these regulations shall include any activity proposed within the watershed of a water company, as defined in Sections 8.1 and 8.3 of these regulations.

SECTION 22

EFFECTIVE DATE

22.1 These regulations, application forms, fee schedule and amendments thereto, amend and supersede regulations established and amended by ordinances of the Norwich City Council beginning with Ordinance No. 717, adopted July 1, 1974. These amended regulations are effective October 1, 1997.