

**INLAND WETLANDS AND
WATERCOURSES REGULATIONS**

TOWN OF DARIEN

**ENVIRONMENTAL
PROTECTION
COMMISSION**

**EFFECTIVE DATE OF REGULATIONS:
12:01 a.m. February 16, 2007**

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of the Town of Darien

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INLAND WETLANDS AND WATERCOURSES REGULATIONS
OF THE TOWN OF DARIEN, CONNECTICUT

Submitted by:

THE ENVIRONMENTAL PROTECTION COMMISSION

PREAMBLE

The wetlands and watercourses of the State of Connecticut and the Town of Darien are an indispensable and irreplaceable, but fragile natural resource with which the citizens of the Town have been endowed. The wetlands and watercourses are an interrelated web of nature, essential to: an adequate supply of surface and underground water; hydrological stability and control of flooding and erosion; the recharging and purification of groundwater and the existence of many forms of animal, aquatic, and plant life. Many of the Town's wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of 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 activities have had, and will continue to have, a significant adverse impact on the environment and ecology of the Town and have and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the Town for its citizens now and forever more.

The preservation and protection of wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance and destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the Town. The purpose of these regulations is to protect the citizens of the Town by making provisions for the protection, preservation, maintenance and use of the 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; danger of drought, overdraft, pollution, misuse and management by providing an orderly process to balance the need for the economic growth of the Town of Darien 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 Town of Darien the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

SECTION 1

TITLE AND AUTHORITY

- 1.1 These regulations shall be known as the “Inland Wetlands and Watercourses Regulations of the Town of Darien.”
- 1.2 The Inland Wetlands and Watercourses Agency of the Town of Darien was originally established in accordance with an ordinance adopted September 24, 1973, became a part of the Environmental Protection Commission by ordinance adopted May 12, 1986, and shall implement the purposes and provisions of the Inland Wetlands and Watercourses Act in the Town of Darien.
- 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 with or without modifications, or deny permits for all regulated activities on inland wetlands and watercourses in the Town of Darien pursuant to Section 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.

SECTION 2

DEFINITIONS

2.1 As used in these regulations:

- a. “Act” means the Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45 inclusive, of the Connecticut General Statutes, as amended.
- b. “Agency” or “Inland Wetlands Agency” means the Environmental Protection Commission which administers the Inland Wetlands and Watercourses Regulations of the Town of Darien and is located in the Planning and Zoning Department.
- c. “Aquic” means “saturated” when used in conjunction with soil moisture.
- d. “Bogs” are usually distinguished by evergreen trees and shrubs underlain by peat deposits, poor drainage, and highly acidic conditions. Bogs species are listed in the booklet Inland Wetlands Plants of Connecticut, 1973.
- e. “Clear-cutting” means the harvest of timber in a fashion which removes all trees down to a 2” diameter at breast height.
- f. “Commission member” means a member of the Environmental Protection Commission of the Town of Darien.
- g. “Commissioner of Environmental Protection” means the Commissioner of the State of Connecticut Department of Environmental Protection.
- h. “Days” mean calendar days, not business days, unless otherwise noted.
- i. “Deposit” includes, but shall not be limited to fill, grade, dump, place, discharge or emit.
- j. “Designated agent” means an individual designated by the agency to carry out its functions and purposes.
- k. “Discharge” means emission of any water, substance, or material into wetlands or watercourses whether or not such substance causes pollution.
- l. “Disturbing the natural and indigenous character of the land” means that the activity will significantly alter the inland wetlands and watercourses by reason of removal or deposition of material, clear cutting, alteration or obstruction of water flow, or will result in the pollution of the wetland or watercourse through run-off containing nitrogen or other chemicals.
- m. “Farming” means use of land for the growing of crops, raising of livestock or other agricultural use.

- n. “Landscaping” means the alteration of land (by grading, clearing, planting or other means) for the purposes of improving its residential (groomed) appearance. “Landscaped” areas do not include naturally vegetated areas.
- o. “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 Wetlands Agency.
- p. “Maintenance of existing landscaping” means the maintenance of existing landscaped areas incidental to a residential property such as lawns and gardens that are not functioning wetlands at the time of the application. Maintenance of existing landscaping does not include clearing, grading, planting or other means of landscaping within any naturally vegetated (not planted by man) area.
- q. “Marshes” are areas with soils that exhibit aquic moisture regimes (normally covered with shallow water) 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.
- r. “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.
- s. “Municipality” means the Town of Darien, Fairfield County, Connecticut.
- t. “Nurseries” means land used for propagating trees, shrubs or other plants for transplanting, sale, or for use as stock for grafting.
- u. “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 Wetlands Agency.
- v. “Permittee” means the person to whom such permit has been issued.
- w. “Person” means any person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivision thereof.
- x. “Pollution” means harmful thermal effect or the contamination or rendering unclean or impure of any wetland or watercourse of the State or Town by reason of erosion or any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as to directly or indirectly come in contact with any wetland or watercourse. This includes, but is not limited to, erosion and sedimentation resulting from any filling or excavation activity.
- y. “Regulated Activity” means any operation within or use of a wetland or watercourse (or activity removed from a wetland or watercourse which affects 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 addition to the above, regulated activities shall include:

1. grading, filling, excavation, or any other earth-disturbing activities; or removal or deposition of any material; or removal of any existing vegetation within fifty (50) feet of wetlands or watercourses.
2. obstructions, whether man-made or natural, of wetlands or watercourses.
3. the location of any portion of any subsurface waste disposal system, including any earth-disturbing activities reasonably associated herewith, within 200 feet of Holly Pond or Gorham's Pond, or the mean high water line of the Noroton, Five Mile, or Goodwives River, or Tokeneke, or Stony Brook; within 150 feet of the mean water line of other watercourses; and within 50 feet of wetlands.
4. the location of any portion of any structure including any earth-disturbing activities reasonably associated herewith, within 100 feet of Holly Pond or Gorham's Pond, or the mean high water line of the Noroton, Five Mile, or Goodwives River, or Tokeneke, or Stony Brook; within 50 feet of all other watercourses or wetlands.

The agency may rule that any other activity located within such upland review area or in any other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.

- z. "Regulated area" means any inland wetland or watercourse as defined in these regulations
- aa. "Remove" includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, grub, clear-cut timber, bulldoze, dragline or blast.
- bb. "Rendering unclean or impure" means any alteration of the physical, chemical or biological properties of any waters of the State or Town, including, but not limited to, change in odor, color, turbidity or taste.
- cc. "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:
 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. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system, or
 3. Any activity which substantially diminishes the natural capacity of an inland 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
 4. Any activity which causes degradation, substantial turbidity, siltation or sedimentation in a wetland, watercourse, or groundwater. An activity which will result in degrading a watercourse or the surface and/or groundwater of an inland wetland, such degradation to be measured by standards of the Water Compliance Division of the Connecticut Department of Environmental Protection, where applicable, or
 5. Any activity which causes a substantial diminution of flow of a natural watercourse, or groundwater levels of the regulated area, or
 6. Any activity which causes or has the potential to cause pollution of a wetland or watercourse, or
 7. Any activity which destroys unique wetland or watercourse areas having demonstrable scientific, aesthetic, recreational or educational value.
- dd. "Soil Scientist" means an individual duly qualified in accordance with standards set by the Federal Office of Personnel Management (formerly the U.S. Civil Service Commission.)
- ee. "Swamp" means an area with a water table at or near the surface of the ground throughout most of the year and containing vegetation dominated by an association of trees and/or shrubs recognized as swamp species. Typical examples of swamp species are listed in the booklet entitled Inland Wetlands Plants of Connecticut (May 1973).
- ff. "Submerged lands" means those lands which are inundated by water on a seasonal or more frequent basis.
- gg. "Town" means the Town of Darien, Fairfield County in the State of Connecticut.
- hh. "Waste" means sewage or any substance, liquid gaseous, solid or radioactive, which may pollute or tend to pollute any of the wetlands or watercourses of the Town.
- ii. "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 section 22a-28 through 22a-35 of the General Statutes, as amended.

- jj. “Wetlands” means land, including submerged land as defined in section 2.1(dd) of these regulations, not regulated pursuant to Section 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 flood plain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Soil 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 REGULATED AREAS

- 3.1 The map of regulated areas, entitled “Inland Wetlands and Watercourses Map, Darien, Connecticut,” 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 Planning and Zoning Office. In all cases, the precise location of regulated areas shall be determined by the actual character of the land, the distribution of wetland soils types, and location of watercourses. Such determinations shall be made by field inspection and testing conducted by a soil scientist where soil classifications are required, or where watercourse determinations are required, by other qualified individuals.

- 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 Inland Wetlands Agency or its designated agent(s) shall inventory and maintain current records of all regulated areas within the Town. 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 & NON-REGULATED USES

- 4.1 The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:
- a. Grazing, farming, nurseries, gardening, and harvesting of crops and farm ponds of three acres or less essential to a farming operation. 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 cropland, or the mining of topsoil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;
 - b. A residential home (i) for which a building permit has been issued or (ii) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by the Darien Planning and Zoning Commission as of the effective date of promulgation of these regulations pursuant to subsection (b) of Section 22a-42a, or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subsection unless the building permit was obtained on or before July 1, 1987. The individual claiming a use of wetlands permitted as a right under this subsection shall document the validity of said right by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, septic system, driveway, approval dates or other necessary information to substantiate his entitlement;
 - c. Boat anchorage or mooring, not to include dredging or dock construction;
 - d. Uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot size permitted anywhere in the municipality and containing a residence. Such incidental uses shall include maintenance of existing structures and maintenance of existing landscaping, but shall not include removal or deposition of substantial amounts of material from or into a wetland or watercourse, or removal of wetland plants or any other vegetation from a wetland or watercourse, or diversion or alteration of a watercourse;
 - e. Construction and operation, by water companies as defined by Section 16-1 of the General Statutes or by municipal water supply systems as provided for in Chapter 102, of the Connecticut General Statutes, of dam, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in Section 22a-401 and 22a-410 of the General Statutes.
- 4.2 The following operations and uses shall be permitted as non-regulated uses in wetlands and watercourses, provided they do not constitute disturbing the land as defined in

Section 2.1 (l).

- a. Conservation of soil, vegetation, water, fish, shellfish, and wildlife. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife and silviculture management practices.
 - b. Outdoor recreation including the use of play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing, shell-fishing, and cross-country skiing otherwise legally permitted and regulated.
 - c. The removal of trees or tree limbs that are creating a dangerous or unsafe condition. The Agency or its designated agent must be notified prior to removing trees or tree limbs in order to determine compliance with this section.
- 4.3 All activities in wetlands or watercourses involving filling, excavation, dredging, clear cutting, grading, planting, 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 process of this Section, any person proposing to carry out a permitted or non-regulated operation or use of a wetland or watercourse, which may disturb the natural and indigenous character of the land, 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 non-regulated use of the wetlands or watercourse. The Agency or its Designated Agent shall rule that the proposed operation and use is a permitted non-regulated use or operation or that a permit is required. Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the Agency following the meeting at which the request was received. The Designated Agent for the Agency may make such ruling on behalf of the Agency at any time.

SECTION 5

ACTIVITIES REGULATED 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:
- a. Construction or modification of any dam pursuant to Sections 22a-401 through 22a-410 of the General Statutes, as amended;
 - b. Construction or placement of any obstruction within stream channel encroachment lines pursuant to Sections 22a-342 through 22a-349 of the General Statutes, as amended;
 - c. Construction or placement of any structure or obstruction within the tidal, coastal or navigable waters of the State pursuant to Section 22a-359 through 22a-363 or in designated tidal wetlands pursuant to Sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended;
 - d. Diversion of water in excess of fifty thousand (50,000) gallons per day or 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;
 - e. Discharges into the waters of the state pursuant to Section 22a-430 of the General Statutes, as amended;
 - f. Discharge of fill or dredged materials into the wetlands and watercourses of the state pursuant to Section 401 of the Federal 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, (1) after an advisory decision on such license or permit has been rendered to the Commissioner by the wetlands Agency of the municipality within which such wetland is located or (2) thirty-five days after receipt by the Commissioner of such application, whichever occurs first.
- 5.3 The Commissioner of Environmental Protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to Sections 22a-28 through 22a-35 of the General Statutes.

SECTION 6

REGULATED ACTIVITIES TO BE LICENSED

- 6.1 No person shall conduct or maintain a Regulated Activity without first obtaining a permit for such activity from the Inland Wetlands Agency of the Town of Darien.
- 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 Darien Inland Wetlands 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 Darien Environmental Protection Commission - Application for Permission to Conduct a Regulated Activity Within an Inland Wetland or Watercourse Area in the Town of Darien.” An application shall include an application form and such information as prescribed by Application forms may be obtained in the office of the Inland Wetlands Agency (refer to section 2.1b of these Regulations).
- 7.2 All applications shall contain such information that is necessary for a fair and informed determination of the issues.
- 7.3 The Inland Wetlands Agency or its Agent and the applicant may hold a pre-application meeting to determine whether or not the proposed application involves a significant activity. Whenever possible the determination relative to significant activities should be made at the pre-application meeting.
- 7.4 All applications shall include the following information in writing and 10 copies shall be submitted:
- a. The applicant’s name, home address, and home and business telephone numbers;
 - b. The owner’s name, address and telephone number and written consent if the applicant is not the owner of the property involved in the application;
 - c. Applicant’s interest in the land;
 - d. The geographical location of the property which is to be affected by the proposed activity, including but not limited to a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, a computation of the area(s) (in acres or square feet) of wetland or watercourse disturbance, soil type(s) and vegetation;
 - e. The purpose and a description of the proposed activity;
 - f. Alternatives considered by the applicant and why the proposal to alter wetlands set forth in the application was chosen. These alternatives shall be diagrammed on a site plan or drawing and be submitted to the agency as part of the application;
 - g. A site plan showing existing and proposed conditions in relation to wetlands and watercourses.
 - h. Names and addresses of adjacent property owners and names and addresses of all principals involved;
 - i. Certification that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or

through inaccurate or misleading information;

- j. Authorization for the Commissioners and agents of the Agency to inspect the property, at reasonable times, both before and after a final decision has been issued;
- k. Any other information the Agency deems necessary to the understanding of what the applicant is proposing;
- l. A reporting form shall be completed during the application process which provides the Commissioner of the Department of Environmental Protection with information necessary to properly monitor the inventory of State wetlands. The reporting form shall be part of the application and specified sections shall be completed by the applicant. These sections shall include the following: name of applicant; name of the project; project description; area of wetlands and/or linear feet of watercourse proposed to be altered.
- m. Submission of the appropriate filing fee based on the fee schedule established in Section 19 of the Regulations.

7.5 If the proposed activity involves a Significant Activity as determined by the Agency and defined in Section 2.1 aa of these regulations, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following is required:

- a. Site plans for the proposed use or operation and the property which will be affected, which show existing and proposed conditions, wetland and watercourse boundaries, land contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the development drawn by a licensed surveyor, professional engineer or landscape architect registered in the State of Connecticut or by such other qualified person;
- b. Engineering reports and analyses and additional drawings to fully describe the proposed project, any filling, excavation, drainage or hydraulic modification to watercourses;
- c. Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U. S. Soil Conservation Service (the 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 plans);
- d. Description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed regulated activities on these communities and wetland functions;
- e. Description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands and watercourses involved in the application, and with each alternative, and a description of why each alternative considered was deemed neither feasible nor prudent;

- f. Analysis of chemical or physical characteristics of any fill materials;
- g. Measures which mitigate the impact of the proposed activity. Such measures include, but are not limited to, plans or actions which avoid destruction or diminution of wetland or watercourse functions, recreational uses and natural habitats, which prevent flooding, degradation of water quality, erosion and sedimentation and obstruction of drainage, or which otherwise safeguard water resources;
- h. A post-activity monitoring plan to ensure that wetlands, watercourses, groundwater, surface runoff and drainage structures are functioning in accordance with the predicted behavior. The plan is to include a description of the data that is to be collected, the time schedule and other conditions for collecting the data and the manner for presenting the results to all concerned parties.

7.6 The applicant shall certify whether:

- a. Any portion of the property on which the regulated activity proposed is located within 500 feet of the boundary of an adjoining municipality;
- b. Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- c. Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality;
- d. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

7.7 Ten (10) copies of all application materials shall be submitted to comprise a complete application or as is otherwise directed, in writing, by the Inland Wetlands Agency.

7.8 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 8.4 through 8.7 of these Regulations. Any application for amendment, renewal or extension shall be made in accordance with this Section provided:

- a. The application may incorporate by reference the documentation and record of the original application;
- b. The application shall state the reason why the authorized activities were not initiated or completed within the time specified in the permit;
- c. The application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or the property for which the permit was issued;

- d. The 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 judgment, 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;
- e. The Agency may request updated information or any additional information needed to make a fair and informed decision and shall evaluate the application pursuant to Section 10 of these Regulations and grant the application as filed, grant it with any terms or limitations, or deny it.

SECTION 8

APPLICATION PROCEDURES

- 8.1 All applications shall be filed in the Planning and Zoning Office with the Agent designated by the Inland Wetlands Agency of the Town of Darien
- 8.2 In the case of any application where any portion of the wetland or watercourse on which the regulated activity is proposed is located within 500 feet of the boundary of Stamford, Norwalk or New Canaan, the applicant shall give written notice, in accordance with Section 22a-42c of the General Statutes, as amended, of the proposed activity, by certified mail, return receipt requested, to the adjacent municipal wetland agency on the same day of filing an inland wetland permit application with the Darien Inland Wetlands Agency. Documentation of such notice shall be provided to the Darien Inland Wetlands Agency.
- 8.3 The Agency shall, in accordance with Section 22a-42b of the General Statutes, as amended, notify the clerk of any adjoining municipality of the pendency of any application to conduct a regulated activity when:
- a. Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
 - b. A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
 - c. A significant portion of a sewer or water drainage from the project site will flow through and significantly impact the sewage or drainage system within the adjoining municipality; or,
 - d. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Notice of the pendency of such application shall be made by certified mail, return receipt requested, and shall be mailed within seven (7) days of the date of receipt of the application.

- 8.4 The date of receipt of any application shall be the day of the next regularly scheduled meeting of the Agency immediately following the day of submission to the Agency, provided such meeting is no earlier than three business days and no later than thirty-five days after the day of submission. When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in section 16-1 of the general statutes, the applicant shall provide written notice of the application to the water company provided such water company has filed a map showing the boundaries of the watershed on the land records of the Town of Darien and with the Agency. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of the application. The water company, through a representative, may

appear and be heard at any hearing on the application.

- 8.5 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. (The Agency shall not exceed the required sixty-five (65) day time limit in taking action on an application pending the receipt of additional information as stated in Section 11.2 of these regulations.)
- 8.6 All applications shall be open for public inspection.
- 8.7 Incomplete applications may be denied by the Inland Wetlands Agency.

SECTION 9

PUBLIC HEARINGS

- 9.1 The Commission shall not hold a public hearing on such application unless:
- the Commission determines that the proposed activity may have a significant impact on wetlands or watercourses; and/or
 - a petition signed by at least twenty-five persons requesting a hearing is filed with the Commission not later than fifteen days after the submission of such application; and/or
 - the Commission 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 application, maps and documents relating thereto shall be open for public inspection. Any person may appear and be heard at any public hearing.

- 9.2 Notice of the public hearing shall be published by the Commission 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 day set for the hearing in a newspaper having general circulation in each town where the affected wetland or watercourse is located.

- 9.3 The applicant or their representative shall notify each owner of property within 100 feet of the perimeter of the subject property of the time, place, date, and purpose of the hearing. This notification shall also include a description of the application and the nature of the proposed activity.

The latest records of the Darien Tax Assessor shall be used by the applicant to determine a list of the names, addresses, and tax map/lot numbers of owners of property within 100 feet of the subject property. Each owner of a condominium within a condominium association shall be notified if any part of the condominium property is within 100 feet of the perimeter of the subject property.

Such notice shall be mailed not less than ten (10) days nor more than twenty (20) days prior to the scheduled public hearing. Notice shall be sent via U.S. Mail. The applicant shall obtain proof of mailing in the form of stamped U.S. Postal Service Certificates of Mailing. Notices sent "Return Receipt Requested" are not advisable

At the Public Hearing, the applicant, or their legal representative, shall submit a list showing the names and addresses of the owners of specified properties including their respective tax map and lot numbers, one copy of the notification (including attachments) which was mailed and evidence of the required mailing in the form of stamped Certificates of Mailing.

- 9.4 In the case of any application which is subject to the notification provisions of Section 8.3 of these Regulations, a public hearing shall not be conducted until the clerk of the adjoining municipality(ies) has received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record.

SECTION 10

CONSIDERATION FOR DECISION

- 10.1 The Agency may consider the following in making its decision on an application:
- a. The application and its supporting documentation;
 - b. Public comments, evidence and testimony from a public hearing;
 - c. Reports from other Agencies and Commissions including, but not limited to the Town of Darien:
 1. Public Works
 2. Planning and Zoning Commission
 3. Building Official
 4. Health Official
 - d. The Agency may also consider comments on any application from the Fairfield County Soil and Water Conservation District, the South Western Regional Planning Agency 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;
 - c. Non-receipt of comments from Agencies and Commissions listed in 10.1.c above within the prescribed time shall neither delay nor prejudice the decision of the Agency.

10.2 Standard Criteria for Decision

The Agency shall consider all relevant facts and circumstances in making its decision on any application for a permit, including, but not limited to the following:

- a. The environmental impact of the proposed action, including the effects on the inland wetlands' and watercourses' capacity to support fish and wildlife, to prevent flooding, to supply and protect surface and ground waters, to control sediment, to facilitate drainage, to control pollution, to support recreational activities, and to promote public health and safety.
- b. The alternatives to the proposed action including a consideration of alternatives which might enhance environmental quality or have less detrimental effect, and which could feasibly attain the basic objectives of the activity proposed in the application. This consideration should include, but is not limited to, the alternative of requiring actions of different nature which would provide similar benefits with different environmental impacts, such as using a different location for the activity.
- c. The relationship between the short-term uses of the environment and the maintenance and enhancement of long-term productivity, including consideration of the extent to which the proposed activity involves trade-offs between losses, or vice

versa, and the consideration of the extent to which the proposed action forecloses or predetermines future options.

- d. Irreversible and irretrievable commitments of resources which would be involved in the proposed activity. This requires the recognition that the inland wetlands and watercourse of the State of Connecticut are an indispensable, irreplaceable and fragile natural resource, and that these areas may be irreversibly destroyed by deposition, filling, and removal of material, by the diversion, diminution or obstruction of water flow including low flows, and by the erection of structures or other uses.
 - e. The character and degree of injury to, or interference with, safety, health, or the reasonable use of property, including abutting or downstream property, which would be caused or threatened by the proposed activity, or the creation of conditions which may do so. This includes recognition of potential damage from erosion, turbidity, or siltation, loss of fish and wildlife and their habitat, loss of unique habitat having demonstrable natural, scientific or educational value, loss or diminution of beneficial aquatic organisms and wetland plants, the dangers of flooding and pollution, and the destruction of economic, aesthetic, recreational and other public and private uses and values of wetlands and watercourses to the community.
 - f. The suitability of the activity to the area for which it is proposed. This requires a balancing of the need for the economic growth of the State and use of its land, with the need to protect its environmental and ecology for the people of the state and the benefit of generation yet unborn.
 - g. 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 wetlands' and watercourses' natural capacity to support fish and wildlife, prevent flooding, supply water, control sedimentation, prevent erosion, assimilate wastes, facilitate drainage, and to provide recreation and open space.
- 10.3 In the case of any application which received a public hearing, a permit shall not be issued unless the Agency finds 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. This finding and the reasons therefore shall be stated on the record and in the decision of the Agency.
- 10.4 In reaching its decision on any application after a public hearing, the Agency shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Agency in its decision. However, the Agency is not precluded from seeking advice from its own experts on information already in the record of the public hearing.

SECTION 11

DECISION PROCESS AND PERMIT

- 11.1 The Agency may grant the application as filed; grant it upon such terms, conditions, limitations or modifications necessary to carry out the purposes of the Act; or deny it.
- 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 forty-five (45) days of its commencement and action shall be taken on the application within thirty-five (35) days after completion of the public hearing. In the absence of a public hearing, action shall be taken on the application within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this subsection for the holding of the hearing and for action on such application, provided the total extension of any such period shall not be for longer than the original period as specified in this subsection, or may withdraw such application. Failure of the 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. (The Agency does not have the authority to table or reject an application for incompleteness. An application deemed incomplete by the Agency may either be withdrawn by the applicant or denied by the Agency.)
- 11.3 The Agency shall state upon its record the reasons and bases for its decision and, in the case of any public hearing, such decision shall be based fully on the record of such hearing and shall be in writing and shall incorporate a statement relative to the consideration of feasible and prudent alternatives.
- 11.4 The Agency shall notify the applicant and any named parties to the proceedings of its decision within fifteen (15) days of the decision, by certified mail, return receipt requested, and the Agency shall cause notice of its order in the issuance or denial of the permit to be published in a newspaper having general circulation in the Town wherein the inland wetland or watercourses lies. In any case in which such notice is not published within such fifteen day period, the applicant may provide for the publication of such notice within ten days thereafter. A copy of all Agency decisions shall be forwarded to the Commissioner of Environmental Protection in such a form as prescribed by the Commissioner.
- 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 Darien, Planning and Zoning Commission within fifteen days of the date of the decision.
- 11.6 If the Agency denies the permit, or if it grants a permit with terms, conditions, limitations or modifications, the applicant may attempt to modify the proposal to the Agency's satisfaction. The Agency shall determine whether the proposed modification requires the filing of a new application. The rejection of a modified and corrected application by the Agency shall be equivalent to the denial of an application for the purposes of appeal.

- 11.7 If the Agency denies a permit, the application shall not be resubmitted unless the proposal is modified in a fashion that substantially changes the impact which resulted in the denial. Such submittal shall take the form of a new application.
- 11.8 The duration of any permit shall be for five (5) years unless otherwise specified in the permit or extended by the Agency. Any regulated activity approved by the Agency shall be completed within one (1) year from the time such activity is commenced. Permit renewal and extension shall be at the discretion of the Agency and may be subject to the calling of an additional public hearing. All permits shall expire upon the completion of the acts specified therein.
- 11.9 No permit shall be assigned or transferred without the written permission of the Agency.
- 11.10 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
- 11.11 General provisions in the issuance of all permits:
- a. 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.
 - b. All permits issued by the Agency are subject to and do not derogate any present or future rights of powers of the Agency or the Town of Darien, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any Federal, State, and municipal laws or regulations pertinent to the property or activity.
 - c. If the activity authorized by the inland 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.
 - d. The permittee shall take such necessary steps consistent with the terms and conditions of the permit, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.

SECTION 12

BOND AND INSURANCE

- 12.1 Upon approval of the application and prior to issuance of a permit, the applicant may, at the discretion of 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 term, 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 to be determined by the Agency commensurate with the regulated activity.

SECTION 13

ENFORCEMENT

- 13.1 The Agency may appoint an agent or agents to act on its behalf with the authority to inspect property except a private residence, and issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these regulations.
- 13.2 As a condition of a permit, the Agency 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 Agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these regulations, the Agency or its duly authorized agent may:
- a. Issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order the agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Agency shall consider the facts presented at the hearing and within ten (10) days of the completion of hearing notify the person by certified mail, return receipt requested that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Agency shall publish notice of its decision in a newspaper having general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the agency affirms, revises or withdraws the order. The issuance of an order pursuant to this section shall not delay or bar an action pursuant to Section 22a-44 (b) of the General Statutes, as amended;
 - b. Suspend or revoke a permit if it finds that the applicant has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking any permit, the 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 the public 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 phone or certified mail, return receipt requested within fifteen (15) days of the date of its decision;
 - c. Issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the 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 the notice of violation may result in issuance of the order provided in Subsection a of this Section or other enforcement proceedings as provided by law.

SECTION 14

AMENDMENTS

- 14.1 a. These regulations and the Inland Wetlands and Watercourses Map for the Town of Darien 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 the Agency which is in conformance with these regulations as of the date of the decision of such Agency with respect to such application shall not be required thereafter to comply with any change in these regulations, (or boundaries) including changes to setbacks and buffers, taking 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.
- 14.2 These regulations and the Town of Darien 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 “Inland Wetlands and Watercourses Map, Darien Connecticut” shall contain at least the following information:
- a. The applicant’s name, address and telephone number;
 - b. The owner’s name (if not the applicant), 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 reasons for the requested action;
 - f. The names and addresses of adjacent property owners; and
 - g. A map showing proposed development of the property.

- 14.4 The Inland Wetlands 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, ecologist or other qualified individual.
- 14.6 A public hearing shall be held on petitions to amend the Inland Wetlands and Watercourses Map. Notice of the hearing shall be published in a newspaper having substantial circulation in the municipality at least twice at intervals of not less than two days, the first not more than fifteen (15) days nor less than ten (10) 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 ninety (90) 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 Agency shall act upon the changes requested in such petition within sixty (60) days after the close of the hearing. The petitioner may consent to one or more extensions of the periods specified in this subsection for the holding of the hearing and for action on such petition, provided the total extension of any such period shall not be for longer than the original period as specified in this subsection, or may withdraw such petition. The failure of the 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.
- 14.8 The Agency shall make its decision and state, in writing, the reasons why the change in the Inland Wetlands and Watercourses Map was or was not made.

SECTION 15

APPEALS

- 15.1 Appeals on actions of the Agency shall be made in accordance with the provision 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

- 16.1 If there is a conflict between the provisions of these regulations, the provision which imposes the most stringent standards of the use of wetlands and watercourses shall govern. The invalidity of any work, clause, sentence, section, part, subsection or provision of these regulations shall not affect the validity of any 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 Darien, 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, permit 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 Darien.

SECTION 19

APPLICATION FEES

- 19.1 Method of Payment. All fees required by these regulations shall be submitted to the Agency payable to the Town of Darien at the time the application is filed with the Agency.
- 19.2 No application shall be granted or approved by the Agency unless the correct application fee is paid in full or unless a waiver has been granted by the Agency pursuant to Section 4 of these Regulations.
- 19.3 The application fee is not refundable.
- 19.4 Definitions. As used in this Section:
- a. "Residential uses" means activities carried out on property developed for permanent housing or being developed to be occupied by permanent housing.
 - b. 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.
 - c. Other uses" means activities other than residential uses or commercial uses.
- 19.5 Fee Schedule. Application fee shall be based on the following schedule:
- a. PERMITTED AND UNREGULATED USES - Section 4 of these Regulations.

PERMITTED USES AS OF RIGHT (Section 4.1)	NO CHARGE
NON-REGULATED USES (Section 4.2)	10.00
 - b. REGULATED USES - Section 6 of these Regulations

RESIDENTIAL USES	25.00
PLUS: \$10.00/lot or \$20.00/acre wetlands on the property whichever is more	
COMMERCIAL USES	50.00
PLUS: fee from Schedule A in Section 19.6 of the Regulations	
ALL OTHER USES	25.00
 - c. SIGNIFICANT ACTIVITY FEE -
Section 7.4 of these Regulations
 - d. MAP AMENDMENT PETITIONS -
Section 14.3 of the Regulations
PLUS: fee from Schedule B in Section 2.3 of these Regulations

- e. MODIFICATION OF PREVIOUS APPROVAL - 10.00
and Section 11.11 of these Regulations (There shall be no fee for correcting typographical or other error)

19.6 SCHEDULE A. For the purpose of calculating the permit application fee, the regulated area in schedule A is the total area of wetlands and watercourses upon which a regulated activity is proposed.

SQUARE FEET OF
REGULATED AREA FEE

First 50,000 S.F.	10.00
Each additional 1,000 S.F., or portion thereof	5.00

19.7 SCHEDULE B. For the purpose of calculating the map amendment petition fee, the regulated area in Schedule B. is the total length of wetlands and watercourses boundary subject to the proposed boundary change.

LINEAR FEET OF
REGULATED AREA FEE

First 1,000 L.F.	10.00
Each additional 1,000 L.F., or portion thereof	5.00

19.8 SAMPLE APPLICATION FEE CALCULATIONS:

- a. Ten lot residential subdivision of eleven acres comprised of two acres of wetlands and watercourses: Fee is the greater of:
 - i. 25 plus 2 x 20 equals \$65.00
 - ii. 25 plus 10 x 10 equals \$125.00
 Add \$50.00 if the proposed activity is a “Significant Activity”

- b. Residential development of a single 2.8 acre building lot comprised of 1.28 acres of wetlands and watercourses: Fee is the greater of:
 - i. 25 plus 1.3 x 20 equals \$65.00
 - ii. 25 plus 1 x 10 equals \$35.00
 Add \$50.00 if the proposed activity is a “Significant Activity.”

- c. Commercial development of a retail complex involving alteration and/or filling of 57,000 square feet of wetlands and watercourses. The proposed activity is a ”significant activity”. The significant fee is:
 - \$50.00 plus 50 x 10 (first 50,000 sq. ft.),
 - plus 7 x 5 (remaining 7,000 sq. ft.),
 - plus “Significant Activity” fee of \$50.00,
 - equals a total application fee of \$585.

- d. Petition for a map amendment involving 3,450 linear feet of wetland and watercourse boundary. The filing fee is:
10 x 10 or 100 (first 1,000 ft.),
plus 25 x 5 or 125 remaining 2450,
equals a total filing fee of \$225.

19.9 Exemption. Boards, Commissions, Councils and Departments of the Town of Darien are exempt from all fee requirements under Section 2 of these Regulations.

19.10 Waivers. The applicant may petition the Agency to waive, reduce or allow delayed payment of the fee required by Section 2 of these Regulations. Such petitions shall be in writing and shall state fully the facts and circumstances the Agency should consider in its determination under this Section. 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.

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