

SECTION 11A - DECISION PROCESS AND PERMIT

- 11A.1 In granting a permit the Inland Wetlands 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 General Statutes, and these regulations. 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. (Amend. Effective Date June 1, 1997)
- 11A.2 Application timelines may be found in Connecticut General Statutes Section 22-42a(c). The failure of the inland wetlands agency or its, agent, to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Agency must either be withdrawn by the applicant or denied by the Agency. (Effective Date May 15, 2011)
- 11A.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.
- 11A.4 The Agency shall notify the applicant and any named parties to the proceeding of its decision within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the 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 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.
- 11A.5 If an activity authorized by the inland wetland permit also involves an activity or project which requires zoning or subdivision approval, a variance or special permit, a copy of the decision and report on the application shall be filed with the Town of Killingly Planning and Zoning Commission and/or Killingly Zoning Board of Appeals within fifteen days of the date of the decision.
- 11A.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 or corrected application by the Agency shall be equivalent to the denial of an application for the purpose of appeal.
- 11A.7 Any permit issued under this section prior to July 1, 2006 or after July 1, 2009 for the development of property for which an approval is required under section 8-3, 8-25 or 8-26 of the general statutes shall be valid for five years provided the agency may establish a specific time period within which any regulated activity shall be conducted. Any permit

issued under this section prior to July 1, 2006 or after July 1, 2009 for any other activity shall be valid for not less than two years and not more than five years. Any permit issued under this section during the time period from July 1, 2006, to July 1, 2009, inclusive, shall expire not less than six years after the date of such approval. (Amend. Effective Date May 15, 2011)

- 11A.8 No permit shall be assigned or transferred without the prior written permission of the Commission and without a written statement from the transferee indicating that he/she is fully familiar with all conditions of the permit.
- 11A.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.
- 11A.10 General provisions in the issuance of all permits:
- a. If the Agency relied in whole or in part on information provided by the applicant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked;
 - b. All permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Agency or the Town of Killingly, 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 employ construction management practices and other 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 11B - ACTION BY DULY AUTHORIZED AGENT

- 11B.1 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 wetlands or watercourses provided such agent has completed the comprehensive training program developed by the commissioner pursuant to section 22a-39 of the General Statutes. (Amend. Effective Date June 1, 1997)
- 11B.2 Notwithstanding the provisions for receipt and processing applications as prescribed in section 8 of these regulations, such agent may approve or extend an activity at any time. Any person receiving such approval from such agent shall, within ten days of the date of such approval, publish, at the applicant's expense, notice of the approval in a newspaper having a general circulation in the town wherein the activity is located or will have an effect. Any person may appeal such decision of such agent to the 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 (Amend. Effective Date: June 22, 1999).