

SECTION 14 - AMENDMENTS

- 14.1. a. These regulations and the Inland Wetlands and Watercourses Map for the Town of Killingly may be from time to time amended, changed or repealed by majority vote of the Agency in accordance with changes in the Connecticut General Statutes or regulations of the State Department of Environmental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 any change in inland wetlands regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt and any appeal from the decision of such agency with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such receipt. The provisions of this subdivision 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. (Amend. Effective Date June 1, 1997)
- 14.2. These regulations and the Town of Killingly 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 map amendments pursuant to subsection 14.3 of this section, at least thirty-five (35) days before the public hearing on their adoption. Fee schedules shall be adopted as provided by municipal ordinance.
- 14.3. Petitions requesting changes or amendments to the "Inland Wetlands and Watercourses Map, Killingly, Connecticut" shall contain at least the following information:
- a. The petitioner's name, address and telephone number;
 - b. The address of the land affected by the petition;
 - c. The petitioner's interest in the land affected by the petition;
 - d. Map(s) showing the geographic location of the land affected by the petition and the existing and the proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations; and

- e. The reasons for the requested action. (Amend. Effective Date: Feb. 12, 1996)

14.4 Any person who submits a petition to amend the “Inland Wetlands and Watercourses Map, Killingly CT” shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation of aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the Agency. If such person is the owner, developer or contract purchaser of the land which is the subject of the petition, or if such person is representing the interests of such an owner, developer or purchaser, in addition to the information required in subsection 14.3, the petition shall include:

- a. The name, address and telephone number of the owner(s) of such land and owner(s) agent or other representative;
- b. The names and addresses of the owners of abutting land;
- c. Documentation by a soil scientist of the distribution of wetland soils on said land. Such documentation shall at a minimum include the report of the soil scientist documenting the location of wetland soils on the land, a map of the said land indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types; and
- d. Map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries. (Amend. Effective Date: Feb. 12, 1996)

14.5 Watercourses shall be delineated by a certified soil scientist, geologist, ecologist, biologist, botanist 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 (2) 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 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.

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