

SECTION 10: DECISION PROCESS AND PERMIT

- 10.1 The Commission may in accordance with Section 9 of these regulations, 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 the application. Such terms may include any reasonable measures which would avoid, minimize or mitigate, in that order, 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 or priority: restore, enhance and create productive wetland or watercourse or buffering resources.
- 10.2 Except in the instance of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of such sixty-five (65) day period for action on such application, provided the total extension shall not be for longer than the original sixty-five (65) day period, or may withdraw such application. Failure of the Commission to act within such sixty-five (65) day period, or any extension thereof, shall not be deemed to constitute approval of the application.
- 10.3 The Commission shall state upon its record the reasons and basis for its decision and, in the case of any public hearing, such decision shall be based fully on the record of such hearing and shall be in writing and shall incorporate a statement relative to the consideration of feasible and prudent alternatives. The record of the decision shall indicate which Commission members, if any, visually inspected the site of the proposed activity.
- 10.4 The Commission 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 Commission shall cause notice of its order granting or denying the permit, in a newspaper having general circulation in the town wherein the inland wetlands or watercourse lies. In any case in which such notice is not published within such fifteen (15) day period, the applicant may provide for the publication of such notice within ten days thereafter.
- 10.5 If an application for an activity regulated by the Commission also involves an activity or project which requires zoning or subdivision or re-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 New Milford Planning Commission, Zoning Commission, or Zoning Board of Appeals, as the case may be, within fifteen (15) days of the date of the decision.
- 10.6 Permit expiration dates and time frames:
 - A. Any permit issued by the Commission for the development of land for which an approval is required under Section 8-3, 8-25 or 8-26 of the Connecticut General Statutes shall be valid for five (5) years provided the Commission may establish a specific time period within which any regulated activity shall be conducted. Any permit issued by the

Commission for any other activity shall be valid for three (3) years. The effective date of a permit is the date of the scheduled meeting at which the application is approved.

B. Pursuant to public act 09-181 any permit issued between July 1, 2006 and July 1, 2009 shall be valid for six (6) years commencing upon the date of such approval. Any such permit shall be renewed upon request of the permit holder unless the agency finds that there has been a substantial change in circumstances that requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no such permit shall be valid for more than eleven (11) years.

10.7 No permit shall be assigned or transferred without the written permission of the Commission. Such permission shall be granted upon receipt and review by the Commission of a written statement, on a form provided by the Commission, signed by the transferee, stating that the transferee has reviewed the applicable regulations and the terms and conditions of the permit and agrees to be bound thereby. If a bond or other security obligation is in place, the transferee shall also submit proof acceptable to the Commission that the transferee has assumed such obligation, or shall provide such substitute security as may be acceptable to the Commission. If no such bond or security obligation is in place, the Commission may require the transferee to file a bond or other substitute security acceptable to the Commission.

10.8 If a bond or other security is required in accordance with Section 12 of these regulations, the Commission may withhold issuing the permit until such bond or insurance is provided.

10.9 General provisions in the issuance of all permits:

A. In evaluating applications in which the Commission 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 Commission are subject to and do not derogate from any present or future rights or powers of the Commission or the Town of New Milford, 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 wetlands 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 wetlands 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 discharge and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.

10.10 An application filed with the Wetlands Commission which is in conformance with these Regulations as of the date of the receipt of such application shall not be required thereafter

to comply with any change in these Regulations, including changes to upland review area, 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 section shall not be construed to apply (1) to the establishment, amendment or change of boundaries of wetlands or watercourses or (2) to any change in these Regulations necessary to make such Regulations consistent with the provisions of Chapter 440 of the General Statutes as of the date of such receipt.