

SECTION 11: ACTION BY DULY AUTHORIZED AGENT

11.1 The Town of New Milford Inland Wetland Commission may delegate to its duly authorized agent the authority to act on an application meeting the criteria in this subsection of the regulations, provided that said agent has completed the comprehensive training program developed by the State Commissioner of Environmental Protection pursuant to Section 22a-39 of the *Connecticut General Statutes*, as amended and that said agent has taken either section two or three of the Connecticut Inland Wetlands Commissioner training program or other approved equal continuing education program within the last two calendar years. This authority shall be bestowed upon each individual agent by a two thirds vote of the Commission and must be reaffirmed each year at the Commission's annual meeting.

11.2 Application Requirements

- A. Application for such approval by the Commission's duly authorized agent shall be made by filing a complete application with the New Milford Inland Wetlands Office. A copy of the application is found in Appendix A of these Regulations.
- B. The application shall contain the filing fee, required number of copies of the supporting documentation as listed within Section 7 of these Regulations and any other information the Commission or its agent may reasonably require.

11.3 Prerequisites to Action by Duly Authorized Agent

- A. The application seeks to approve minor construction projects, extend existing permits or transfer permits that are not located within a wetland or watercourse. Such activities may include but are not limited to decks, sheds, swimming pools, additions, landscaping and rain gardens.
- B. The application for duly authorized agent approval may not be in response to a notice of violation or cease and desist order issued by the Wetlands Enforcement Officer or Land Use Inspector.
- C. The duly authorized agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses, taking into account the considerations for decision set forth in Section 9 of these Regulations.
- D. Notwithstanding the above, the duly authorized agent has the sole discretion to forward any application received at the Wetlands office to the Commission for action by the Commission within the statutory time frames from the date of receipt.

11.4 Procedure

- A. The duly authorized agent shall review the application to ensure that it is complete.

- B. The duly authorized agent shall notify the Commission members about the pendency of a site walk and shall visit the project site with any interested Commission members. The duly authorized agent shall determine eligibility of the project for approval.
- C. The duly authorized agent shall obtain any other information necessary to fully understand the scope of the project.
- D. The duly authorized agent shall determine if the project can be approved or should be forwarded to the Wetlands Commission for full review.
- E. If approved the duly authorized agent shall issue a permit for the project and outline any specific permit conditions.

11.5 Decision and Publication of Decision

- A. Notwithstanding the provisions for receipt and processing of applications prescribed in Sections 8, 10, and 11 of these Regulations, such agent may approve or extend such an activity at any time.
- B. The Commission shall, within ten (10) days of the date of the duly authorized agent approval, publish notice of the approval in a newspaper having a general circulation in the town wherein the activity is located or will have an effect.
- C. The duly authorized agent shall notify the Commission of the permits, denials, extensions, transfers and other actions that have been issued by the duly authorized agent at the next regularly scheduled meeting of the Commission.

11.6 Appeal of Decision (request for full review by the Commission)

- A. Any person, including a member of the Commission, may appeal the decision of such agent to the Commission within fifteen (15) days after the publication date of the notice.
- B. The Commission shall review the application and consider the appeal at its next regularly scheduled meeting provided such meeting is no earlier than three (3) business days after receipt by the Commission or its agent of such appeal.
- C. Any person may appear and be heard at the meeting held to consider the appeal.
- D. The Commission shall, at its discretion, sustain, alter, or reject the decision of its duly authorized agent or require a Commission action in accordance with the New Milford Inland Wetland and Watercourse Regulations.