

Section 9 Public Hearings

- 9.1 The Commission shall not hold a public hearing on applications unless the Commission determines that the proposed activity
- (1) may have a significant impact on wetlands and/or watercourse; or
 - (2) the Commission finds that a public hearing regarding such an application would be in the public interest; or
 - (3) a petition signed by a least twenty-five (25) persons requesting a hearing is filed with the Commission not later than fifteen (15) days after the date of receipt of such application, (first meeting where the application is placed on the agenda for consideration).

Such hearing shall be held no later than sixty-five (65) days after the receipt of such application by the Commission.

All applications and maps and documents relating thereto shall be placed on file with the Commission through the Town of Haddam Land Use Office at least ten (10) days before the date of the public hearing where they shall be available for public inspection.

Any person may appear and be heard at any public hearing within the format outlined by the Commission for said hearing.

- 9.2 Notice of the public hearing shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days and not fewer than ten (10) days, and the last not less than two (2) days before the date set for the hearing in a newspaper having a general circulation in each town where the affected wetland and watercourse is located.
- 9.3 The applicant shall give notice, by certified mail, to the owners of record of adjacent land within ninety feet (90') of property boundary and all parties of record of the public hearing no less than ten (10) days prior to the day of the hearing. Proof of such notification shall be entered into the hearing record.
- 9.4 In the case of any application which is subject to the notification provisions of Section 8.4 of these Regulations, a public hearing shall not be conducted if the clerk of the adjoining municipality(s) has not received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record.

Section 10 Considerations for Decision

- 10.1 The Commission 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 or meeting;
- c. Reports from other agencies and commissions including but not limited to the Town of Haddam Conservation Commission, Planning and Zoning Commission, Town Engineer, Building Inspector and Public Health Director.
- d. The Commission may also consider comments on any application from the Middlesex County Soil and Water Conservation District, the Midstate 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.
- e. Advice and evidence from its own experts or experts hired by the Commission.
- f. Non-receipt of comments from agencies and commissions listed above within the proscribed time shall neither delay nor prejudice the decision of the Commission.

10.2 Standards and Criteria for Decision - The Commission 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 regulated activity on wetlands or watercourses, including the effects on the inland wetland's and watercourse's 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 applicant's purpose for, and any feasible and prudent alternatives to the proposed regulated activity for which alternatives would cause less or no environmental impact to wetlands or watercourses 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 taking no action, or postponing action pending further study, and 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 and long-term impacts of the proposed regulated activity on wetlands and/or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses, including consideration of the extent to which the proposed activity involves trade-offs between short-term environmental gains at the expense of long-term losses, or vice versa, and consideration of the extent to which the proposed action forecloses or predetermines future options.
- d. Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (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. This requires recognition that the inland wetlands and watercourses 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 and 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 regulated 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 the economic, aesthetic, recreational and other public and private uses and values of wetlands and watercourses.
- f. Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses. This requires a balancing of the need for the economic growth of the state and the use of its land, with the need to protect its environment and ecology for the people of the state and the benefit of generations yet unborn.

- g. 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. 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 or enhance the wetland's or watercourse's 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.
- h. The extent to which a upland review area along wetlands and watercourses, as specified on the "Official Inland Wetlands and Watercourses Map, Town of Haddam," has been preserved as a mitigation measure to minimize long-term disturbances of the regulated area.

10.3 In the case of any application which received a public hearing, a permit shall not be issued unless the Commission finds, on the basis of the record, that a feasible and prudent alternative does not exist. Documentary evidence or other material not in the hearing record shall not be considered by the Commission in its decision. However, the Commission is not precluded from seeking advice from its own experts on information already in the public record of the public hearing.

In making this finding, the Commission 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 in the decision of the Commission.

10.4 A conclusion that a feasible and prudent alternative does not exist does not create a presumption that a permit should be issued. The applicant has the burden of demonstrating that his application is consistent with the purposes and policies of these regulations and Sections 22a-36 to 22a-45a, inclusive of the CT General Statutes.