

**SECTION 10**  
**CONSIDERATIONS FOR DECISION**

- 10.1 The Commission may consider the following in making its decision on an application:
- 10.1a The application and its supporting documentation;
  - 10.1b Public comments, evidence and testimony;
  - 10.1c Reports from other agencies and commissions including, but not limited to, the Town of Clinton:
    - 1. Planning, Zoning, or Planning and Zoning Commissions.
    - 2. Town Engineer.
    - 3. Health Officer.
  - 10.1d The Commission may also consider comments on any application from the Middlesex County Soil and Water Conservation District, the Connecticut River Estuary Regional Planning Commission (CRERPA) or other regional organizations: agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations.
  - 10.1e Non-receipt of comments from agencies and commissions listed in 10.1.c above within the prescribed time shall neither delay nor prejudice the decision of the Commission.
- 10.2 Criteria for Decision: In carrying out the purposes and policies of Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Commission shall take into consideration all relevant facts and circumstances, including but not limited to:
- 10.2a The environmental impact of the proposed regulated activity on wetlands or watercourses;
  - 10.2b The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses;
  - 10.2c The relationship between the short term and long term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long term productivity of such wetlands or watercourses;

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- 10.2d 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 (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;
- 10.2e The character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity; and
- 10.2f 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.
- 10.3 In the case of an application which received a public hearing pursuant to a finding by the Commission that the proposed activity may have a significant impact on wetlands or watercourses, 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. In making this finding, the Commission shall consider the facts and circumstances set forth in Subsection 10.2 of this Section. The finding and the reasons therefore shall be stated on the record in writing.
- 10.4 In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the Commission shall propose on the record in writing the types of alternatives which the applicant may investigate provided this Subsection shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity.
- 10.5 In reaching its decision on any application after a public hearing, Commission shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing records 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 record of the public hearing.