



## Senate

General Assembly

**File No. 603**

February Session, 2002

Substitute Senate Bill No. 535

*Senate, May 2, 2002*

The Committee on Planning and Development reported through SEN. DAILY of the 33rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

**AN ACT CONCERNING EXISTING DWELLING HOUSES ON CLASS II LAND OWNED BY THE SOUTH CENTRAL CONNECTICUT REGIONAL WATER AUTHORITY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 25-32 of the general statutes is amended by adding  
2 subsection (o) as follows (*Effective October 1, 2002*):

3 (NEW) (o) Notwithstanding any provision of the general statutes,  
4 the South Central Connecticut Regional Water Authority may sell,  
5 lease, assign or otherwise dispose of or change the use of any class II  
6 land upon which a single family dwelling owned by the South Central  
7 Connecticut Regional Water Authority is situated provided (1) such  
8 dwelling was so situated prior to January 1, 2002, (2) such property is  
9 no more than the minimum acreage required to meet zoning  
10 requirements plus any allowance necessary for setback allowances and  
11 access or egress consistent with local zoning and use requirements,  
12 and (3) a restrictive covenant is placed on the property that would

13 limit the expansion of the dwelling and restrict any activity or  
14 expansion of any activity that would have a significant adverse affect  
15 on the public water supply. Such restrictive covenant shall include, but  
16 not be limited to, provisions ensuring that (A) the premises shall only  
17 be used for a single family residence; (B) the total impervious surface  
18 area, including building roofs, driveways, walkways and patios, shall  
19 not be increased by more than two hundred fifty square feet over the  
20 existing impervious surface area as of the date of the property  
21 disposition from the public water utility to other parties; (C) access is  
22 provided to public drinking water utility watershed inspectors to  
23 perform routine inspections of the property, at a minimum, on an  
24 annual basis during normal hours of business for the water utility; (D)  
25 underground fuel storage tanks are prohibited; and (E) any other  
26 provisions deemed necessary by the South Central Connecticut  
27 Regional Water Authority to protect the public water supply.  
28 Whenever the South Central Connecticut Regional Water Authority  
29 intends to sell, lease, assign or otherwise dispose of or change the use  
30 of any class II land consistent with this section upon which is situated  
31 a single family dwelling, the South Central Connecticut Regional  
32 Water Authority shall provide notice in writing, by certified mail,  
33 return receipt requested, at least thirty days before the date of the  
34 proposed disposition, to the Commissioners of Environmental  
35 Protection and Public Health, the legislative body of the city or town in  
36 which such dwelling is situated, the Nature Conservancy, the Trust for  
37 Public Land, the Land Trust Service Bureau, and the Connecticut Fund  
38 for the Environment, of such intention to sell or otherwise transfer  
39 such property. All net proceeds, after costs of disposition, from the  
40 disposition of such class II land and dwelling shall be used by the  
41 South Central Connecticut Regional Water Authority to protect or  
42 otherwise acquire interests, including, but not limited to, fee title to or  
43 conservation easements over additional watershed or aquifer land of  
44 public water systems. No sale, lease, assignment or other disposition  
45 or change in use of class II land pursuant to this section shall occur  
46 after October 1, 2007.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>

**PD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

Since passage of this bill is not anticipated to materially alter the regulatory responsibilities of the Departments of Public Health or Environmental Protection, no fiscal impact is anticipated to result.

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**OLR Bill Analysis**

sSB 535

**AN ACT CONCERNING EXISTING DWELLING HOUSES ON CLASS II LAND****SUMMARY:**

By law, water companies cannot transfer class II lands or change their use without a Department of Public Health (DPH) permit. This bill allows the South Central Connecticut Regional Water Authority (SCCRWA), under certain conditions, to sell, lease, assign or otherwise dispose or change the use, apparently without a permit, of any class II land that has a single-family dwelling owned by the authority located on it. This authority ends on October 1, 2007.

These conditions are:

1. the dwelling was situated on the land prior to January 1, 2002;
2. the property is no larger than the minimum average required to meet zoning requirements plus any allowance necessary for setbacks and access or egress consistent with local zoning and use requirements; and
3. a restrictive covenant is placed on the property limiting the structure's expansion and restricting any activity or expansion of any activity that would have a significant adverse effect on the public water supply.

SCCRWA must provide written notice by certified mail, return receipt requested, whenever it seeks to sell, lease, assign, or otherwise dispose of or change the use of any class II land covered by the bill. Notice must be sent to DPH, the Department of Environmental Protection, the legislative body of the city or town in which the dwelling is located, the Nature Conservancy, the Trust for Public Land, the Land Trust Service Bureau, and the Connecticut Fund for the Environment, at least 30 days before the proposed property disposition.

SCCRWA must use all net proceeds, after costs of disposition, from disposing of this land and dwelling to protect or otherwise acquire interests, including fee title to, or conservation easements over, additional watershed or aquifer land of public water systems.

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EFFECTIVE DATE: October 1, 2002

## RESTRICTIVE COVENANTS

Under the bill, the restrictive covenant must include provisions ensuring that (1) the premises will not be used for other than a single-family residence; (2) the total impervious surface area, including the building, roofs, driveways, walkways, and patios, does not increase by more than 250 square feet over the areas they cover on the date the property disposition occurs; (3) access is provided to public drinking water utility watershed inspectors for at least annual routine property inspection during normal business hours; (4) underground fuel storage tanks are prohibited; and (5) other provisions SCCRWA deems necessary to protect the public water supply are included.

## BACKGROUND

### *Legislative History*

On April 10, the Senate referred the bill (File 272) to the Judiciary Committee, which reported it favorably without changes on April 15. On April 23, the Senate referred the bill to the Planning and Development Committee, which reported this substitute April 26. The original file concerned the sale or assignment of existing single-family residences on class II lands generally and was not specific to the SCCRWA.

## COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 23      Nay 0

Judiciary Committee

Joint Favorable Report

Yea 36      Nay 0

Planning and Development Committee

Joint Favorable Substitute

Yea 16      Nay 0

