



# House of Representatives

General Assembly

**File No. 378**

February Session, 2004

Substitute House Bill No. 5610

*House of Representatives, March 31, 2004*

The Committee on Environment reported through REP. WIDLITZ of the 98th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING MUNICIPAL EXEMPTIONS FROM INLAND WETLANDS PERMITS.**

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

1 Section 1. Subsection (a) of section 22a-40 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2004*):

4 (a) The following operations and uses shall be permitted in  
5 wetlands and watercourses, as of right:

6 (1) Grazing, farming, nurseries, gardening and harvesting of crops  
7 and farm ponds of three acres or less essential to the farming  
8 operation, and activities conducted by, or under the authority of, the  
9 Department of Environmental Protection for the purposes of wetland  
10 or watercourse restoration or enhancement or mosquito control. The  
11 provisions of this subdivision shall not be construed to include road  
12 construction or the erection of buildings not directly related to the

13 farming operation, relocation of watercourses with continual flow,  
14 filling or reclamation of wetlands or watercourses with continual flow,  
15 clear cutting of timber except for the expansion of agricultural crop  
16 land, the mining of top soil, peat, sand, gravel or similar material from  
17 wetlands or watercourses for the purposes of sale;

18 (2) A residential home [(i)] (A) for which a building permit has been  
19 issued, or [(ii)] (B) on a subdivision lot, provided the permit has been  
20 issued or the subdivision has been approved by a municipal planning,  
21 zoning or planning and zoning commission as of the effective date of  
22 promulgation of the municipal regulations pursuant to subsection (b)  
23 of section 22a-42a, as amended, or as of July 1, 1974, whichever is  
24 earlier, and further provided no residential home shall be permitted as  
25 of right pursuant to this subdivision unless the permit was obtained on  
26 or before July 1, 1987;

27 (3) Boat anchorage or mooring;

28 (4) Uses incidental to the enjoyment and maintenance of residential  
29 property, such property defined as equal to or smaller than the largest  
30 minimum residential lot site permitted anywhere in the municipality,  
31 provided in any town, where there are no zoning regulations  
32 establishing minimum residential lot sites, the largest minimum lot site  
33 shall be two acres. Such incidental uses shall include maintenance of  
34 existing structures and landscaping but shall not include removal or  
35 deposition of significant amounts of material from or onto a wetland  
36 or watercourse or diversion or alteration of a watercourse;

37 (5) Construction and operation, by water companies as defined in  
38 section 16-1, as amended, or by municipal water supply systems as  
39 provided for in chapter 102, of dams, reservoirs and other facilities  
40 necessary to the impounding, storage and withdrawal of water in  
41 connection with public water supplies except as provided in sections  
42 22a-401 and 22a-403; [and]

43 (6) [Maintenance] Except as provided in subdivision (7) of this  
44 subsection, maintenance relating to any drainage pipe which existed

45 before the effective date of any municipal regulations adopted  
 46 pursuant to section 22a-42a, as amended, or July 1, 1974, whichever is  
 47 earlier, provided such pipe is on property which is zoned as residential  
 48 but which does not contain hydrophytic vegetation. For purposes of  
 49 this subdivision, "maintenance" means the removal of accumulated  
 50 leaves, soil, and other debris whether by hand or machine, while the  
 51 pipe remains in place; and

52 (7) Maintenance of existing road systems for public health and  
 53 safety purposes by a municipality, provided such maintenance does  
 54 not increase the width, height, shoulder or embankments associated  
 55 with the road or alter the drainage discharge locations. For purposes of  
 56 this subdivision, "maintenance" means activities involving skim coat,  
 57 overlay, chip seal, crack seal, pothole repair, catch basin cleaning,  
 58 snow plowing, road sanding, curbing repair, curb-side mowing,  
 59 drainage system cleaning, catch basin repair, detention facility  
 60 cleaning, bridge scupper repair, road signage repair, guide rail repair,  
 61 line stripping and garbage and debris removal. The provisions of this  
 62 subdivision shall not include depositing any material removed as a  
 63 result of such maintenance into any wetland or watercourse.

This act shall take effect as follows:	
Section 1	October 1, 2004

**ENV**      *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:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 05 \$</b>	<b>FY 06 \$</b>
Various Municipalities	Potential Savings	Minimal	Minimal

**Explanation**

Exempting town maintenance of existing road systems in inland wetlands areas from the need to obtain an inland wetlands permit could result in a minimal reduction in workload to various municipalities.

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**OLR Bill Analysis**

sHB 5610

***AN ACT CONCERNING MUNICIPAL EXEMPTIONS FROM INLAND WETLANDS PERMITS***

**SUMMARY:**

This bill exempts town maintenance of existing road systems in inland wetlands areas from the need to obtain an inland wetlands permit if (1) the maintenance is for public health and safety purposes, and (2) it neither (a) increases the road's width, height, shoulder, or embankments or (b) alters drainage discharge locations. It prohibits the deposit in a wetland or watercourse of any material removed during such maintenance.

EFFECTIVE DATE: October 1, 2004

**MAINTENANCE**

Under the bill, maintenance is the repair of catch basins, bridge scuppers, potholes, curbing, road signs and guide rails; skim coating, overlaying, chip and crack sealing, catch basin and drainage system cleaning; snow plowing; road sanding; curb-side mowing; detention facility cleaning; line stripping; and garbage and debris removal.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 27      Nay 0