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# Connecticut

*Connecticut Chapter of the American Planning Association*

Government Relations Chairman: Christopher S. Wood, AICP  
 Phone: 203 558-0654      [woodplanning@charter.net](mailto:woodplanning@charter.net)      [www.ccapa.org](http://www.ccapa.org)

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## PLANNING AND DEVELOPMENT COMMITTEE

### H.B. 6590 AN ACT CONCERNING STANDARDS OF REVIEW BY INLAND WETLANDS AGENCIES

#### SUMMARY

H.B. 6590 would add a clause to the statutory authority for inland wetlands regulation, providing that a re-application for a denied regulated activity shall not consider the denied activity to be a feasible and prudent alternative.

#### ANALYSIS

Although this statutory revision would not appear to directly affect municipal planning functions, it would appear to further complicate the highly technical and often contentious review of wetlands impacts by construction activity. CCAPA members are commonly responsible for coordinating all regulatory functions in Connecticut municipalities, and have a strong interest in efficient regulatory procedures.

It is not clear what problem this proposal is intended to address. However, as drafted, this provision is too vague to provide definitive guidance to wetlands agencies in the consideration of a re-application for a previously denied activity. From a practical standpoint it will be almost impossible to distinguish what is or is not the same application. What constitutes a sufficient change to permit re-consideration of the previous denial?

Additionally, there is no timeframe proposed. Would this apply to proposals that were denied 10 years ago? Finally, would this requirement apply to an application that was denied on procedural grounds?

#### CCAPA POSITION

CCAPA does not support this proposed amendment to CGS §22a-41 without further clarification of the need for the change and additional details and definitions to avoid additional complications to the regulatory process. CCAPA is available to assist the Committee with this and any other legislation related to planning and municipal management.