



General Assembly

Amendment

January Session, 2009

LCO No. 9173

HB0587509173SRO

Offered by:
SEN. RORABACK, 30th Dist.

To: House Bill No. 5875

File No. 323

Cal. No. 687

(As Amended by House Amendment Schedule "A")

**"AN ACT AUTHORIZING SPECIAL DISTRICTS TO MAINTAIN
WATER QUALITY IN LAKES."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 47-42d of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2009*):

5 (a) For purposes of this section, "state or local land use agency"
6 includes, but is not limited to, a municipal planning commission,
7 municipal zoning commission, combined municipal planning and
8 zoning commission, a municipal zoning board of appeals, municipal
9 inland wetlands and watercourses agency, a municipal historic district
10 commission and any state agency that issues permits for the
11 construction or improvement of real property.

12 (b) No person shall file a permit application with a state or local

13 land use agency or a local building official or director of health, other
14 than for interior work in an existing building or for exterior work that
15 does not expand or alter the footprint of an existing building, relating
16 to property that is subject to a conservation restriction or a
17 preservation restriction unless the applicant provides proof that the
18 applicant has provided written notice of such application, by certified
19 mail, return receipt requested, to the party holding such restriction not
20 later than sixty days prior to the filing of the permit application. In lieu
21 of such notice, the applicant may submit a letter from the holder of
22 such restriction or from the holder's authorized agent, verifying that
23 the application is in compliance with the terms of the restriction. If the
24 applicant has provided written notice pursuant to this subsection, the
25 holder of the restriction may provide proof to the state or local land
26 use agency or local building official or director of health that granting
27 of the permit application will violate the terms of the restriction and
28 such agency, official or director shall not grant the permit. The
29 applicant shall not be required to provide the notice required under
30 this subsection if such applicant demonstrates to the satisfaction of the
31 issuing authority that the activity for which a permit is required will
32 not take place on the portion of the real property that is subject to the
33 conservation restriction.

34 (c) If the applicant fails to comply with the provisions of subsection
35 (b) of this section, the party holding the conservation or preservation
36 restriction may, not later than fifteen days after receipt of actual notice
37 of permit approval, file an appeal with the state or local land use
38 agency or local building official or director of health, subject to any
39 rules of such agency, official or director relating to appeals. The
40 agency, official or director shall reverse the permit approval upon a
41 finding that the requested land use violates the terms of such
42 restriction."