



HOME BUILDERS ASSOCIATION OF CONNECTICUT, INC.

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February 18, 2011

To: Senator Steve Cassano, Co-Chairman
Representative Linda M. Gentile, Co-Chairman
Members of the Planning and Development Committee

From: Bill Ethier, Chief Executive Officer

Re: Senate Bill 869, AAC Inland Wetlands Permits

The HBA of Connecticut is a professional trade association with 1,100 member firms statewide, employing tens of thousands of Connecticut citizens. Our members, all small businesses, are residential and commercial builders, land developers, home improvement contractors, trade contractors, suppliers and those businesses and professionals that provide services to our diverse industry. Our members build 70% to 80% of all new homes and apartments in the state each year.

As we noted in our testimony on SB 859, wetland permits generally expire after five years (see sec. 22a-42a(g) of the general statutes). SB 859 would extend that expiration date, along with the expiration date for subdivision and site plan approvals. However, SB 869 addresses another timeline issue unique to inland wetland permits.

Background to the permit timeline dilemma SB 869 addresses: Under sec. 22a-42a(d)(2) of the wetland statute, wetland permits are divided between those issued for a subdivision or site plan (e.g., requiring approval under 8-3, 8-25 or 8-26) and those wetland permits for other activities. Under this section, local wetland agencies are authorized to establish a specific time period within which the permitted activity shall be conducted, even though the permit itself does not expire for five years. For non subdivision or site plan activities, that time period cannot be less than two years. Oddly, there's no minimum period restriction for wetland permits connected to subdivisions and site plans.

Often, wetland agencies require the permitted activity for subdivisions and site plans to be conducted within one or two years of approval, essentially imposing an imposition that extinguishes the remaining years of the "five" year permit. This has been a recurring problem because under our statutes, a proposed development applicant must first apply for its inland wetlands permit prior to applying for its subdivision or site plan permit. The statutes state that planning and zoning commissions cannot give final approval on subdivisions and site plan until the wetland agency has issued its final report (decision). Thus, by statute, a wetland permit comes first. Then, once all local approvals are obtained, a lengthy trek through state agencies is usually required. That initial one or two year requirement to complete work authorized by a wetland permit can expire before the authorized work even begins because of the other permitting delays in planning, zoning and state agencies. This necessitates going back to the wetlands agency for re-approval.

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generating more opportunities for opponents, expense and delay. Moreover, the short timelines imposed by wetland agencies under 22a-42a(d)(2) are impossible to meet due to delays caused by obtaining necessary development financing. This is especially a problem in today's difficult lending environment.

Therefore, SB 869 amends 22a-42a(d)(2) by limiting the time period within which work must be conducted for subdivisions and site plan developments to no less than three years.

We also request the addition of a clarifying amendment and further relief that addresses the planning, zoning and state agency permitting processes that are out of the control of both applicants and wetland agencies. Beginning in line 43, we suggest the following additional language, "... Any permit issued under this section for any [other] activity for which an approval is not required under section 8-3, 8-25 or 8-26 shall be valid for not less than two years and not more than five years. The specific time period within which any regulated activity shall be conducted shall commence when the regulated activity is physically started on the site. Any such permit shall"

This last additional sentence allows for a possible lengthy period of seeking approvals from a multitude of other commissions and state agencies without losing your wetlands approval.

Please support SB 869 with our suggested amendment. Thank you for considering our comments on this important legislation.