



General Assembly

January Session, 2011

**Committee Bill No. 5068**

LCO No. 2403

\*02403HB05068ENV\*

Referred to Committee on Environment

Introduced by:  
(ENV)

**AN ACT CREATING A REBUTTABLE PRESUMPTION FOR THE APPROVAL OF AN INLAND WETLANDS PERMIT FOR A DRY HYDRANT.**

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

1 Section 1. Section 22a-40 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

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

5 (1) Grazing, farming, nurseries, gardening and harvesting of crops  
6 and farm ponds of three acres or less essential to the farming  
7 operation, and activities conducted by, or under the authority of, the  
8 Department of Environmental Protection for the purposes of wetland  
9 or watercourse restoration or enhancement or mosquito control. The  
10 provisions of this subdivision shall not be construed to include road  
11 construction or the erection of buildings not directly related to the  
12 farming operation, relocation of watercourses with continual flow,  
13 filling or reclamation of wetlands or watercourses with continual flow,  
14 clear cutting of timber except for the expansion of agricultural crop

15 land, the mining of top soil, peat, sand, gravel or similar material from  
16 wetlands or watercourses for the purposes of sale;

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

26 (3) Boat anchorage or mooring;

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

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

42 (6) Maintenance relating to any drainage pipe which existed before  
43 the effective date of any municipal regulations adopted pursuant to  
44 section 22a-42a or July 1, 1974, whichever is earlier, provided such pipe  
45 is on property which is zoned as residential but which does not

46 contain hydrophytic vegetation. For purposes of this subdivision,  
47 "maintenance" means the removal of accumulated leaves, soil, and  
48 other debris whether by hand or machine, while the pipe remains in  
49 place.

50 (b) The following operations and uses shall be permitted, as  
51 nonregulated uses in wetlands and watercourses, provided they do not  
52 disturb the natural and indigenous character of the wetland or  
53 watercourse by removal or deposition of material, alteration or  
54 obstruction of water flow or pollution of the wetland or watercourse:

55 (1) Conservation of soil, vegetation, water, fish, shellfish and  
56 wildlife; and

57 (2) Outdoor recreation including play and sporting areas, golf  
58 courses, field trials, nature study, hiking, horseback riding, swimming,  
59 skin diving, camping, boating, water skiing, trapping, hunting, fishing  
60 and shellfishing where otherwise legally permitted and regulated.

61 (c) Any dredging or any erection, placement, retention or  
62 maintenance of any structure, fill, obstruction or encroachment, or any  
63 work incidental to such activities, conducted by a state agency, which  
64 activity is regulated under sections 22a-28 to 22a-35, inclusive, or  
65 sections 22a-359b to 22a-363f, inclusive, shall not require any permit or  
66 approval under sections 22a-36 to 22a-45, inclusive.

67 (d) There shall be a rebuttable presumption for the approval of any  
68 application for the installation of a dry hydrant in wetlands and  
69 watercourses. Such presumption may be rebutted by a finding that  
70 there is a feasible and prudent alternative access to a public water  
71 supply that has a less adverse impact on wetlands and watercourses.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	22a-40

**Statement of Purpose:**

To create a rebuttable presumption for the approval of dry hydrant applications in wetlands and watercourses.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: REP. PISCOPO, 76th Dist.

H.B. 5068