



General Assembly

January Session, 2011

Raised Bill No. 869

LCO No. 2787

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Referred to Committee on Planning and Development

Introduced by:
(PD)

AN ACT CONCERNING INLAND WETLANDS PERMITS.

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

1 Section 1. Subsection (d) of section 22a-42a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2011*):

4 (d) (1) In granting, denying or limiting any permit for a regulated
5 activity the inland wetlands agency, or its agent, shall consider the
6 factors set forth in section 22a-41, and such agency, or its agent, shall
7 state upon the record the reason for its decision. In granting a permit
8 the inland wetlands agency, or its agent, may grant the application as
9 filed or grant it upon other terms, conditions, limitations or
10 modifications of the regulated activity which are designed to carry out
11 the policy of sections 22a-36 to 22a-45, inclusive. Such terms may
12 include any reasonable measures which would mitigate the impacts of
13 the regulated activity and which would (A) prevent or minimize
14 pollution or other environmental damage, (B) maintain or enhance
15 existing environmental quality, or (C) in the following order of
16 priority: Restore, enhance and create productive wetland or

17 watercourse resources. No person shall conduct any regulated activity
18 within an inland wetland or watercourse which requires zoning or
19 subdivision approval without first having obtained a valid certificate
20 of zoning or subdivision approval, special permit, special exception or
21 variance or other documentation establishing that the proposal
22 complies with the zoning or subdivision requirements adopted by the
23 municipality pursuant to chapters 124 to 126, inclusive, or any special
24 act. The agency may suspend or revoke a permit if it finds after giving
25 notice to the permittee of the facts or conduct which warrant the
26 intended action and after a hearing at which the permittee is given an
27 opportunity to show compliance with the requirements for retention of
28 the permit, that the applicant has not complied with the conditions or
29 limitations set forth in the permit or has exceeded the scope of the
30 work as set forth in the application. The applicant shall be notified of
31 the agency's decision by certified mail within fifteen days of the date of
32 the decision and the agency shall cause notice of [their] its order in
33 issuance, denial, revocation or suspension of a permit to be published
34 in a newspaper having a general circulation in the town wherein the
35 wetland or watercourse lies. In any case in which such notice is not
36 published within such fifteen-day period, the applicant may provide
37 for the publication of such notice within ten days thereafter.

38 (2) Any permit issued under this section for the development of
39 property for which an approval is required under section 8-3, 8-25 or 8-
40 26 shall be valid for five years. [provided the] The agency may
41 establish a specific time period within which any regulated activity
42 shall be conducted, provided no agency shall require a regulated
43 activity to be conducted in less than three years. Any permit issued
44 under this section for any other activity shall be valid for not less than
45 two years and not more than five years. Any such permit shall be
46 renewed upon request of the permit holder unless the agency finds
47 that there has been a substantial change in circumstances which
48 requires a new permit application or an enforcement action has been
49 undertaken with regard to the regulated activity for which the permit
50 was issued provided no permit may be valid for more than ten years.

This act shall take effect as follows and shall amend the following sections:

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| Section 1 | <i>October 1, 2011</i> | 22a-42a(d) |
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Statement of Purpose:

To provide more time in which to conduct a regulated activity after obtaining a permit from an inland wetlands agency.

[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.]