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

Strike everything after the enacting clause and substitute the following in lieu thereof:

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 Section 22a-40 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2011):

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

(1) Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control.
provisions of this subdivision shall not be construed to include road
construction or the erection of buildings not directly related to the
farming operation, relocation of watercourses with continual flow,
filling or reclamation of wetlands or watercourses with continual flow,
clear cutting of timber except for the expansion of agricultural crop
land, the mining of top soil, peat, sand, gravel or similar material from
wetlands or watercourses for the purposes of sale;

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

(3) Boat anchorage or mooring;

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

(5) Construction and operation, by water companies as defined in
section 16-1 or by municipal water supply systems as provided for in
chapter 102, of dams, reservoirs and other facilities necessary to the
impounding, storage and withdrawal of water in connection with
public water supplies except as provided in sections 22a-401 and 22a-
403; [and]
(6) Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to section 22a-42a or July 1, 1974, whichever is earlier, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For purposes of this subdivision, "maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place; and

(7) Withdrawals of water for fire emergency purposes.

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

(1) Conservation of soil, vegetation, water, fish, shellfish and wildlife; [and]

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

(3) The installation of a dry hydrant by or under the authority of a municipal fire department, provided such dry hydrant is only used for firefighting purposes and there is no alternative access to a public water supply. For purposes of this section, "dry hydrant" means a non-pressurized pipe system that: (A) Is readily accessible to fire department apparatus from a proximate public road, (B) provides for the withdrawal of water by suction to such fire department apparatus, and (C) is permanently installed into an existing lake, pond or stream that is a dependable source of water.

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

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

| Section 1 | October 1, 2011 | 22a-40 |