



General Assembly

**Amendment**

January Session, 2011

LCO No. 5727

**\*HB0506805727HR0\***

Offered by:  
REP. PISCOPO, 76<sup>th</sup> Dist.

To: Subst. House Bill No. 5068      File No. 228      Cal. No. 139

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

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

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 Section 22a-40 of the general statutes is repealed and the  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

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

7      (1) Grazing, farming, nurseries, gardening and harvesting of crops  
8      and farm ponds of three acres or less essential to the farming  
9      operation, and activities conducted by, or under the authority of, the  
10     Department of Environmental Protection for the purposes of wetland  
11     or watercourse restoration or enhancement or mosquito control. The  
12     provisions of this subdivision shall not be construed to include road  
13     construction or the erection of buildings not directly related to the

14 farming operation, relocation of watercourses with continual flow,  
15 filling or reclamation of wetlands or watercourses with continual flow,  
16 clear cutting of timber except for the expansion of agricultural crop  
17 land, the mining of top soil, peat, sand, gravel or similar material from  
18 wetlands or watercourses for the purposes of sale;

19 (2) A residential home (i) for which a building permit has been  
20 issued or (ii) on a subdivision lot, provided the permit has been issued  
21 or the subdivision has been approved by a municipal planning, zoning  
22 or planning and zoning commission as of the effective date of  
23 promulgation of the municipal regulations pursuant to subsection (b)  
24 of section 22a-42a or as of July 1, 1974, whichever is earlier, and further  
25 provided no residential home shall be permitted as of right pursuant  
26 to this subdivision unless the permit was obtained on or before July 1,  
27 1987;

28 (3) Boat anchorage or mooring;

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

38 (5) Construction and operation, by water companies as defined in  
39 section 16-1 or by municipal water supply systems as provided for in  
40 chapter 102, of dams, reservoirs and other facilities necessary to the  
41 impounding, storage and withdrawal of water in connection with  
42 public water supplies except as provided in sections 22a-401 and 22a-  
43 403; [and]

44 (6) Maintenance relating to any drainage pipe which existed before  
45 the effective date of any municipal regulations adopted pursuant to

46 section 22a-42a or July 1, 1974, whichever is earlier, provided such pipe  
47 is on property which is zoned as residential but which does not  
48 contain hydrophytic vegetation. For purposes of this subdivision,  
49 "maintenance" means the removal of accumulated leaves, soil, and  
50 other debris whether by hand or machine, while the pipe remains in  
51 place; and

52 (7) Withdrawals of water for fire emergency purposes.

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

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

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

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

73 (c) Any dredging or any erection, placement, retention or  
74 maintenance of any structure, fill, obstruction or encroachment, or any  
75 work incidental to such activities, conducted by a state agency, which  
76 activity is regulated under sections 22a-28 to 22a-35, inclusive, or

77 sections 22a-359b to 22a-363f, inclusive, shall not require any permit or  
78 approval under sections 22a-36 to 22a-45, inclusive."

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