



General Assembly

February Session, 2012

Raised Bill No. 107

LCO No. 136

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Referred to Committee on Planning and Development

Introduced by:
(PD)

**AN ACT CONCERNING THE TIME IN WHICH A REGULATED
ACTIVITY MUST BE CONDUCTED UNDER A PERMIT ISSUED BY AN
INLAND WETLANDS COMMISSION.**

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 2012 supplement
2 to the general statutes is repealed and the following is substituted in
3 lieu thereof (*Effective October 1, 2012*):

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. Such terms may include restrictions as to the
18 time of year in which a regulated activity may be conducted, provided
19 the inland wetlands agency, or its agent, determines that such
20 restrictions are necessary to carry out the policy of sections 22a-36 to
21 22a-45, inclusive. No person shall conduct any regulated activity
22 within an inland wetland or watercourse which requires zoning or
23 subdivision approval without first having obtained a valid certificate
24 of zoning or subdivision approval, special permit, special exception or
25 variance or other documentation establishing that the proposal
26 complies with the zoning or subdivision requirements adopted by the
27 municipality pursuant to chapters 124 to 126, inclusive, or any special
28 act. The agency may suspend or revoke a permit if it finds after giving
29 notice to the permittee of the facts or conduct which warrant the
30 intended action and after a hearing at which the permittee is given an
31 opportunity to show compliance with the requirements for retention of
32 the permit, that the applicant has not complied with the conditions or
33 limitations set forth in the permit or has exceeded the scope of the
34 work as set forth in the application. The applicant shall be notified of
35 the agency's decision by certified mail within fifteen days of the date of
36 the decision and the agency shall cause notice of [their] its order in
37 issuance, denial, revocation or suspension of a permit to be published
38 in a newspaper having a general circulation in the town wherein the
39 wetland or watercourse lies. In any case in which such notice is not
40 published within such fifteen-day period, the applicant may provide
41 for the publication of such notice within ten days thereafter.

42 (2) Any permit issued under this section for the development of
43 property for which an approval is required under section 8-3, 8-25 or 8-
44 26 shall be valid for five years. [provided the] The agency may
45 establish a specific time period within which any regulated activity
46 shall be conducted, provided no agency shall require a regulated
47 activity for which an approval is required under section 8-3, 8-25 or 8-
48 26 to be conducted in less than three years. Any permit issued under
49 this section for any [other] activity for which an approval is not

50 required under section 8-3, 8-25 or 8-26 shall be valid for not less than
51 two years and not more than five years. Any such permit shall be
52 renewed upon request of the permit holder unless the agency finds
53 that there has been a substantial change in circumstances which
54 requires a new permit application or an enforcement action has been
55 undertaken with regard to the regulated activity for which the permit
56 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:		
Section 1	October 1, 2012	22a-42a(d)

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.]