



General Assembly

February Session, 2012

Amendment

LCO No. 4596

SB0034504596SD0

Offered by:

SEN. WILLIAMS, 29th Dist.
SEN. LOONEY, 11th Dist.
SEN. COLEMAN, 2nd Dist.
SEN. DOYLE, 9th Dist.
SEN. LEBEAU, 3rd Dist.
SEN. DUFF, 25th Dist.

SEN. SLOSSBERG, 14th Dist.
SEN. STILLMAN, 20th Dist.
SEN. CASSANO, 4th Dist.
SEN. FASANO, 34th Dist.
REP. GENTILE, 104th Dist.
REP. AMAN, 14th Dist.

To: Senate Bill No. 345

File No. 371

Cal. No. 280

"AN ACT CONCERNING MUNICIPAL FLOOD AND EROSION CONTROL BOARDS."

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

3 "Section 1. Subsection (d) of section 22a-42a of the 2012 supplement
4 to the general statutes is repealed and the following is substituted in
5 lieu thereof (*Effective October 1, 2012*):

6 (d) (1) In granting, denying or limiting any permit for a regulated
7 activity the inland wetlands agency, or its agent, shall consider the
8 factors set forth in section 22a-41, and such agency, or its agent, shall
9 state upon the record the reason for its decision. In granting a permit
10 the inland wetlands agency, or its agent, may grant the application as
11 filed or grant it upon other terms, conditions, limitations or

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

44 (2) Any permit issued under this section for the development of
45 property for which an approval is required under [section 8-3, 8-25 or

46 8-26] chapter 124, 124b, 126 or 126a shall be valid [for five years
47 provided the agency may establish a specific time period within which
48 any regulated activity shall be conducted] until the approval granted
49 under such chapter expires or for ten years, whichever is earlier. Any
50 permit issued under this section for any [other] activity for which an
51 approval is not required under chapter 124, 124b, 126 or 126a shall be
52 valid for not less than two years and not more than five years. Any
53 such permit shall be renewed upon request of the permit holder unless
54 the agency finds that there has been a substantial change in
55 circumstances which requires a new permit application or an
56 enforcement action has been undertaken with regard to the regulated
57 activity for which the permit was issued, provided no permit may be
58 valid for more than ten years."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	22a-42a(d)