

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 12-151—SB 345

*Planning and Development Committee
Environment Committee*

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

SUMMARY: This act makes changes in the law affecting municipal inland wetlands agencies and the permits they issue for regulated activities in inland wetlands and watercourses.

By law, a wetlands permit's validity period depends on whether the permitted activity also requires planning and zoning commission approval. Under prior law, wetlands permits for projects requiring a zone change, site plan, or subdivision approval were generally valid for up to five years from the approval date. The act instead ties the validity period to all types of planning and zoning approvals and makes it the same as the validity period for the corresponding planning and zoning approval, which can be up to 10 years. By law, unchanged by the act, wetlands permits for certain projects approved before July 1, 2011 may be extended for up to 14 years (see BACKGROUND).

The law allows wetlands agencies to grant permits for regulated activities with terms, conditions, limitations, or modifications, including reasonable measures to mitigate the effect of the activity on the wetlands. The act allows the agencies to also restrict the time of year in which a regulated activity may be conducted, if the agency, or its agent, determines that the restrictions are necessary to protect inland wetlands and watercourses.

EFFECTIVE DATE: October 1, 2012

INLAND WETLANDS PERMITS

Projects Requiring Other Land Use Approvals

By law, municipalities regulate activities affecting inland wetlands and watercourses within their boundaries and issue permits for regulated activities in those areas, including for property development. Property development involving a zone change, site plan, or subdivision plan also requires planning and zoning commission approval and, as a condition of this approval, must first obtain an inland wetlands permit when inland wetlands are involved.

Under prior law, an inland wetlands permit for property development that also required these planning and zoning approvals was valid for up to five years from approval, but a municipal inland wetlands agency could set a specific time period during the five years within which the work had to be done.

The act eliminates an agency's ability to set a specific time within which the regulated activity must be conducted for these projects and ties the validity period

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for these inland wetlands permits to the length of the corresponding project's approval or 10 years, whichever is earlier. It applies this timeframe to projects requiring any municipal zoning and planning commission approval, including incentive housing zones and those developed under the affordable housing land use appeals procedure.

All Other Projects

Prior law required inland wetlands permits for projects that did not also require a zone change, site plan, or subdivision approval to be valid for between two and five years. Under the act, this timeframe applies to any wetlands permit related to a project that does not require any type of planning and zoning approval.

BACKGROUND

Inland Wetlands Permits Approved Before July 1, 2011

By law, inland wetlands permits which had not expired by May 9, 2011 and were approved before July 1, 2011 are valid for at least nine years from the approval date and can be extended for up to 14 years from the date they were approved (CGS § 22a-42a(g)).

OLR Tracking: RP:JR:PF:ro