



General Assembly

January Session, 2013

Committee Bill No. 459

LCO No. 4351



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

AN ACT CONCERNING LOCAL CONTROL OVER COASTAL AREAS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 22a-109 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2013*):

4 (b) The zoning commission may by regulation exempt any or all of
5 the following uses from the coastal site plan review requirements of
6 this chapter: (1) Minor additions to or modifications of existing
7 buildings or detached accessory buildings, such as garages and utility
8 sheds; (2) construction of new or modification of existing structures
9 incidental to the enjoyment and maintenance of residential property
10 including but not limited to walks, terraces, driveways, swimming
11 pools, tennis courts, docks and detached accessory buildings; (3)
12 construction of new or modification of existing on-premise structures
13 including fences, walls, pedestrian walks and terraces, underground
14 utility connections, essential electric, gas, telephone, water and sewer
15 service lines, signs and such other minor structures as will not
16 substantially alter the natural character of coastal resources or restrict

17 access along the public beach; (4) construction of an individual single-
18 family residential structure except when such structure is located on
19 an island not connected to the mainland by an existing road bridge or
20 causeway or except when such structure is in or within one hundred
21 feet of the following coastal resource areas: Tidal wetlands, coastal
22 bluffs and escarpments and beaches and dunes; (5) activities
23 conducted for the specific purpose of conserving or preserving soil,
24 vegetation, water, fish, shellfish, wildlife and other coastal land and
25 water resources; (6) interior modifications to buildings; [and] (7) minor
26 changes in use of a building, structure or property except those
27 changes occurring on property adjacent to or abutting coastal waters;
28 (8) construction of a deck up to ten feet waterward of the coastal
29 jurisdiction line and any structural components, other than a
30 foundation, used to support a residence; and (9) construction of a
31 seawall. Gardening, grazing and the harvesting of crops shall be
32 exempt from the requirements of this chapter. Notwithstanding the
33 provisions of this subsection, shoreline flood and erosion control
34 structures as defined in subsection (c) of this section shall not be
35 exempt from the requirements of this chapter.

36 Sec. 2. Subdivision (1) of subsection (a) of section 22a-361 of the
37 general statutes is repealed and the following is substituted in lieu
38 thereof (*Effective October 1, 2013*):

39 (a) (1) No person, firm or corporation, public, municipal or private,
40 shall dredge, erect any structure, place any fill, obstruction or
41 encroachment or carry out any work incidental thereto or retain or
42 maintain any structure, dredging or fill, in the tidal, coastal or
43 navigable waters of the state waterward of the coastal jurisdiction line
44 until such person, firm or corporation has submitted an application
45 and has secured from the Commissioner of Energy and Environmental
46 Protection a certificate or permit for such work and has agreed to carry
47 out any conditions necessary to the implementation of such certificate
48 or permit, except the provisions of this section shall not apply to the
49 construction of a deck up to ten feet waterward of the coastal

50 jurisdiction line, any structural components, other than a foundation,
51 used to support a residence or any seawall.

52 (A) Except as provided in subdivision (3) of this subsection, each
53 application for a permit, except for an emergency authorization, for
54 any structure, filling or dredging which uses or occupies less than five
55 thousand five hundred square feet in water surface area based on the
56 perimeters of the project shall be accompanied by a fee equal to eighty
57 cents per square foot provided such fee shall not be less than six
58 hundred sixty dollars.

59 (B) Except as provided in subdivision (3) of this subsection, each
60 application for a permit for any structure, filling or dredging which
61 uses or occupies five thousand five hundred square feet or more but
62 less than five acres in water surface area based on the perimeters of the
63 project shall be accompanied by a fee of three thousand five hundred
64 fifty dollars plus ten cents per square foot for each square foot in
65 excess of five thousand five hundred square feet.

66 (C) Except as provided in subdivision (3) of this subsection, each
67 application for a permit for any structure, filling or dredging which
68 uses or occupies five or more acres in water surface area based on the
69 perimeters of the project shall be accompanied by a fee of nineteen
70 thousand four hundred seventy-five dollars plus five hundred twenty-
71 five dollars per acre for each acre or part thereof in excess of five acres.

72 (D) Except as provided in subdivision (3) of this subsection, each
73 application for a mooring area or multiple mooring facility, regardless
74 of the area to be occupied by moorings, shall be accompanied by a fee
75 of six hundred sixty dollars provided that such mooring areas or
76 facilities shall not include fixed or floating docks, slips or berths.

77 (E) Application fees for aquaculture activities shall not be based on
78 areal extent.

79 Sec. 3. Subsection (e) of section 22a-361 of the general statutes is

80 repealed and the following is substituted in lieu thereof (*Effective*
81 *October 1, 2013*):

82 (e) (1) No person, firm or corporation, public, municipal or private,
83 who removes sand, gravel or other material lying waterward of the
84 mean high water mark of the tidal, coastal or navigable waters of the
85 state pursuant to a permit issued under this section on or after October
86 1, 1996, shall make any beneficial or commercial use of such sand,
87 gravel or other material except upon payment to the state of a fee of
88 four dollars per cubic yard of such sand, gravel and other materials.
89 Such payment shall be made at times and under conditions specified
90 by the commissioner in such permit. No fee shall be assessed for [(1)]
91 (A) the performance of such activities on land which is not owned by
92 the state, [(2)] (B) the use of sand, gravel or other materials for beach
93 restoration projects, or [(3)] (C) ultimate disposal of such sand, gravel
94 or other materials which does not result in an economic benefit to any
95 person. For the purposes of this [section] subdivision, "beneficial or
96 commercial use" includes, but is not limited to, sale or use of sand,
97 gravel or other materials for construction, aggregate, fill or
98 landscaping.

99 (2) No person, firm or corporation, public, municipal or private,
100 who removes sand, gravel or other material lying waterward of the
101 mean high water mark of the tidal, coastal or navigable waters shall
102 dispose of sand, gravel or other material in a manner that does not
103 result in an economic benefit to any person before offering such sand,
104 gravel or other material first to municipalities and then to any district
105 established pursuant to chapter 105 to plan, lay out, acquire, construct,
106 reconstruct, repair, maintain, supervise and manage a flood or erosion
107 control system. Such sand, gravel or other material shall be offered for
108 beach restoration and shall be available (A) to municipalities for the
109 cost of transporting such sand, gravel or other material, and (B) to
110 districts for a reasonable fee.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	22a-109(b)
Sec. 2	<i>October 1, 2013</i>	22a-361(a)(1)
Sec. 3	<i>October 1, 2013</i>	22a-361(e)

Statement of Purpose:

To authorize municipalities to exempt certain decks, structural components, other than foundations, used to support residences and seawalls from coastal site plan review; to exempt such decks, structural components and seawalls from permitting through the Department of Energy and Environmental Protection; and to require sand, gravel and other materials removed waterward of the mean high water mark of the tidal, coastal or navigable waters to be offered to municipalities and certain special taxing districts for beach restoration before being disposed of.

[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.]

Co-Sponsors: SEN. FASANO, 34th Dist.

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