
OLR Bill Analysis

sSB 459

AN ACT CONCERNING LOCAL CONTROL OVER COASTAL AREAS.

SUMMARY:

This bill exempts from coastal site plan review, if authorized by a municipal zoning commission, and Department of Energy and Environmental Protection (DEEP) permitting, the construction of: (1) decks up to 10 feet landward of the coastal jurisdiction line; (2) structural components, other than foundations, that are used to support a residence; and (3) seawalls (see COMMENT).

By law, DEEP regulates dredging, erecting structures, placing fill, and related work in tidal wetlands and waterward of the coastal jurisdiction line. Presumably, DEEP does not have jurisdiction over deck construction landward of the coastal jurisdiction line.

The bill also requires anyone disposing of sand, gravel, or other material collected waterward of the mean high water mark in the state's tidal, coastal, or navigable waters to first offer the material to municipalities and certain special taxing districts for flood and erosion control systems. An offer is necessary only if the party that removed the material seeks to dispose of it in a way that will not result in an economic benefit to anyone. Municipalities receiving these materials must pay for the cost of transporting them and special districts must pay a reasonable fee.

EFFECTIVE DATE: October 1, 2013

BACKGROUND

Coastal Jurisdiction Line

"Coastal jurisdiction line" is the location of the topographical elevation of the highest predicted tide from 1983 to 2001. For any of

the state's tidal, coastal, or navigable waters upstream of a tide gate, weir, or other device that modifies tidal water flow, the coastal jurisdiction line is the elevation of mean high water found at the device's downstream location.

Mean High Water Mark

"Mean high water mark" is the line on the shore indicating the average shoreward extent of all high tides. The mark also denotes the seaward limit of private property ownership in Connecticut.

Local Regulation

By law, the Coastal Management Act requires coastal site plan reviews for certain activities at least partially in the coastal boundary and landward of the mean high water mark. A coastal site plan for a shoreline flood and erosion control structure must be filed with a municipal zoning commission to determine conformity with municipal zoning regulations and certain state statutory requirements.

Coastal Boundary

The "coastal boundary," within the state's coastal area, is the furthest inland of (1) the 100-year-frequency coastal flood zone, (2) a 1,000-foot linear setback from the mean high-water mark, or (3) a 1,000-foot linear setback from the inland boundary of the tidal wetlands.

DEEP Permitting

DEEP has direct regulatory authority over construction or development activities in tidal wetlands or waterward of the coastal jurisdiction line. Anyone proposing to conduct certain activities such as excavation, dredging, or building certain structures in a tidal wetland or waterward of the coastal jurisdiction line must apply for a permit from DEEP.

COMMENT

Conflict with CGS § 22a-109(c)

The bill permits a zoning commission to exempt the construction of seawalls from coastal site plan review. But, the bill retains the existing statutory provision that prohibits zoning commissions from exempting

coastal flood and erosion control structures, as defined in CGS § 22a-109(c). That subsection defines the term “shoreline flood and erosion control structure” to include seawalls.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 17 Nay 2 (03/22/2013)