



General Assembly

January Session, 2021

Raised Bill No. 6541

LCO No. 4086



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

AN ACT CONCERNING THE VALIDITY OF INLAND WETLANDS PERMITS IN RELATION TO CERTAIN OTHER LAND USE APPROVALS.

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 general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*
3 *2021, and applicable to permits issued on or after July 1, 2021*):

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 the
8 inland wetlands agency, or its agent, may grant the application as filed
9 or grant it upon other terms, conditions, limitations or modifications of
10 the regulated activity which are designed to carry out the policy of
11 sections 22a-36 to 22a-45, inclusive. Such terms may include any
12 reasonable measures which would mitigate the impacts of the regulated
13 activity and which would (A) prevent or minimize pollution or other
14 environmental damage, (B) maintain or enhance existing environmental

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

41 (2) (A) Any permit issued under this section for the development of
42 property for which an approval is required under chapter 124, 124b, 126
43 or 126a shall (i) not take effect until the approval granted under such
44 chapter takes effect, and (ii) be valid until the approval granted under
45 such chapter expires or for ten years, whichever is earlier.

46 (B) Any permit issued under this section for any activity for which an
47 approval is not required under chapter 124, 124b, 126 or 126a shall (i)
48 not take effect until the approval granted under such chapter takes

49 effect, and (ii) be valid for not less than two years and not more than five
50 years.

51 (C) Any such permit shall be renewed upon request of the permit
52 holder unless the agency finds that there has been a substantial change
53 in circumstances which requires a new permit application or an
54 enforcement action has been undertaken with regard to the regulated
55 activity for which the permit was issued, provided no permit may be
56 valid for more than ten years.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021, and applicable to permits issued on or after July 1, 2021</i>	22a-42a(d)

Statement of Purpose:

To provide that, for certain approvals of land use applications by municipal planning or zoning commissions that first require reports from municipal inland wetlands agencies, permits issued by such inland wetlands agencies shall not take effect until such planning or zoning commissions approve such land use applications.

[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.]