

House of Representatives, April 1, 1998. The Committee on Environment reported through REP. STRATTON, 17th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING A MODEL RIVER PROTECTION ORDINANCE AND PROTECTION OF RIDGELINES.

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

1 Section 1. (NEW) The Commissioner of  
2 Environmental Protection, in consultation with the  
3 Rivers Advisory Committee, shall prepare a model  
4 river protection ordinance which may be used by  
5 any municipality in this state in adopting  
6 ordinances for the protection of rivers. Such  
7 model ordinance may include, but need not be  
8 limited to, recommendations for the modification  
9 of municipal plans of development and zoning,  
10 subdivision, site plan and wetlands regulations as  
11 necessary to allow implementation of a river  
12 protection ordinance. Such recommendations may  
13 concern tourism, navigation, utility and  
14 transportation rights-of-way and water-dependent  
15 recreational, industrial, commercial and other  
16 uses, as well as proposals for specific setbacks  
17 from the river, dimensions of new lots and  
18 buildings, restrictions on cutting of vegetation,  
19 restrictions on earth-moving for mining or other  
20 purposes, prohibited activities and regulation of  
21 paving and other forms of impervious ground cover.  
22 Such plan may also include recommendations for

23 incentives for property owners to protect lands  
24 within the river corridor and to develop such  
25 lands in a manner that is compatible with resource  
26 protection. Such incentives may include tax  
27 credits for donation to appropriate parties of  
28 open space easements or land development rights  
29 and incentives for cluster development.

30 Sec. 2. Section 8-1aa of the general statutes  
31 is repealed and the following is substituted in  
32 lieu thereof:

33 As used in section [8-2i] 8-2:

34 (1) "Traprock ridge" means Beacon Hill,  
35 Saltonstall Mountain, Totoket Mountain, Pistapaug  
36 Mountain, Fowler Mountain, Beseck Mountain, Higby  
37 Mountain, Chauncey Peak, Lamentation Mountain,  
38 Cathole Mountain, South Mountain, East Peak, West  
39 Peak, Short Mountain, Ragged Mountain, Bradley  
40 Mountain, Pinnacle Rock, Rattlesnake Mountain,  
41 Talcott Mountain, Hatchett Hill, Peak Mountain,  
42 West Suffield Mountain, Cedar Mountain, East Rock,  
43 Mount Sanford, Prospect Ridge, Peck Mountain, West  
44 Rock, Sleeping Giant, Pond Ledge Hill, Onion  
45 Mountain, The Sugarloaf, The Hedgehog, West  
46 Mountains, The Knolls, Barndoor Hills, Stony Hill,  
47 Manitook Mountain, Rattlesnake Hill, Durkee Hill,  
48 East Hill, Rag Land, Bear Hill, Orenaug Hills, OR  
49 ANY OTHER TRAPROCK RIDGELINE DESIGNATED BY A  
50 MUNICIPALITY;

51 (2) "Traprock ridgeline" means the line on a  
52 traprock ridge created by all points at the top of  
53 a fifty per cent slope, which is maintained for a  
54 distance of fifty horizontal feet perpendicular to  
55 the slope and which consists of surficial basalt  
56 geology, identified on the map prepared by Stone  
57 et al., United States Geological Survey, entitled  
58 "Surficial Materials Map of Connecticut";

59 (3) "Ridgeline setback area" means the area  
60 bounded by (A) a line that parallels the ridgeline  
61 at a distance of one hundred fifty feet on the  
62 more wooded side of the ridge, and (B) the contour  
63 line where a ridge of less than fifty per cent is  
64 maintained for fifty feet or more on the rockier  
65 side of the slope, mapped pursuant to section 8-2;

66 (4) "Development" means the construction,  
67 reconstruction, alteration, or expansion of a  
68 building; and

69 (5) "Building" means any structure other than  
70 (A) a facility as defined in section 16-50i or (B)

71 structures of a relatively slender nature compared  
72 to the buildings to which they are associated,  
73 including but not limited to chimneys, flagpoles,  
74 antennas, utility poles and steeples.

75 ENV COMMITTEE VOTE: YEA 23 NAY 0 JFS

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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**FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5528**

|                  |   |
|------------------|---|
| STATE IMPACT     | Minimal Cost, Within Budgetary Resources, see explanation below |
| MUNICIPAL IMPACT | Potential Minimal Cost, see explanation below                   |
| STATE AGENCY(S)  | Department of Environmental Protection                          |

**EXPLANATION OF ESTIMATES:**

STATE IMPACT: It is anticipated that due to both the consultation with the Rivers Advisory Committee and the lack of time constraints, the Department of Environmental Protection can prepare a model river protection ordinance within budgetary resources. However, to prepare the ordinance in a year, it is anticipated that the diversion of 1/4 man year would be required or an additional \$15,000.

MUNICIPAL IMPACT: To the degree that municipalities choose to regulate development near ridgelines, they could incur additional costs. Since this legislation is discretionary, it is anticipated that any potential cost would be within a municipality's resources.

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**OLR BILL ANALYSIS**

sHB 5528

**AN ACT CONCERNING A MODEL RIVER PROTECTION ORDINANCE AND PROTECTION OF RIDGELINES**

**SUMMARY:** This bill requires the Department of Environmental Protection (DEP) commissioner to prepare a model river protection ordinance, in consultation with the Rivers Advisory Committee .

It also allows towns to designate any traprock ridgeline, not just the 44 ridges named in current law, as a protected ridgeline. The law defines a traprock ridgeline as a 50-foot or longer segment of a crest where the surface is composed of basalt as identified on a U.S. Geological Survey map and where the crest has a 50% or steeper slope. Towns can regulate development near the crests of traprock ridgelines in setback areas.

EFFECTIVE DATE: October 1, 1998

**FURTHER EXPLANATION****Model River Ordinance**

Towns may use the model river ordinance when adopting river protection regulations. The model ordinance may include recommendations:

1. for modifying a town's plan of development and zoning, subdivision, site plan, and wetlands regulations to implement a river protection ordinance;
2. concerning tourism, navigation, utility and transportation rights-of-way, and water-dependent recreational, industrial, and commercial uses;
3. setting specific setback requirements from the river and new lot and building dimensions;
4. restricting the cutting of vegetation and earth-moving for mining or other purposes;

5. regulating paving and other impervious ground covers; and
6. prohibiting other activities.

The model ordinance may also include recommendations for incentives for property owners to protect land within the river corridor and to develop the land in a compatible manner with resource protection. These may include tax credits for donating open space easements or land development rights to appropriate parties and incentives for cluster development.

#### **BACKGROUND**

##### **River Advisory Committee**

The law requires the DEP commissioner to establish a River Protection Advisory Committee if he establishes a river management program. The committee must consist of state department heads and members of groups affected by river development.

#### **COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute  
Yea 23      Nay 0