



# House of Representatives

General Assembly

**File No. 304**

January Session, 2021

Substitute House Bill No. 6541

*House of Representatives, April 7, 2021*

The Committee on Planning and Development reported through REP. MCCARTHY VAHEY, C. of the 133rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

**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2 repealed and the following is substituted in lieu thereof (*Effective July 1,*  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 each such approval, as applicable,  
44 granted under such chapter has taken effect, and (ii) be valid until the  
45 approval granted under such chapter expires or for ten years, whichever  
46 is earlier.

47 (B) Any permit issued under this section for any activity for which an  
 48 approval is not required under chapter 124, 124b, 126 or 126a shall be  
 49 valid for not less than two years and not more than five years. Any such  
 50 permit shall be renewed upon request of the permit holder unless the  
 51 agency finds that there has been a substantial change in circumstances  
 52 which requires a new permit application or an enforcement action has  
 53 been undertaken with regard to the regulated activity for which the  
 54 permit was issued, provided no permit may be valid for more than ten  
 55 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)

**PD** Joint Favorable Subst.

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*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the 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 chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill stipulates that certain permits issued by inland wetlands agencies will not take effect until planning or zoning commissions approve land use applications.

This is not anticipated to result in a fiscal impact as it does not alter permit fees or when permits are issued.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****sHB 6541*****AN ACT CONCERNING THE VALIDITY OF INLAND WETLANDS PERMITS IN RELATION TO CERTAIN OTHER LAND USE APPROVALS.*****SUMMARY**

This bill delays the effective date of municipal inland wetlands permits to coincide with the effective period of related local land use approvals (e.g., special permits, zoning variances, site plans, subdivision plans). Under the bill, if the inland wetlands permit is just one of the local land use approvals required to develop a property, the wetlands permit does not take effect until the other local approvals are effective.

By law, unchanged by the bill, inland wetlands permits are valid for the same length of time as the other land use approvals issued for the development, up to a maximum of 10 years.

EFFECTIVE DATE: Effective July 1, 2021, and applicable to permits issued on or after that date.

**BACKGROUND*****Related Bill***

SB 970, favorably reported by the Planning and Development Committee, gives developers more time to complete an ongoing project without seeking reapproval by extending the initial and extended deadlines for completing projects that require certain subdivision, wetlands, or site plan approval.

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 26 Nay 0 (03/21/2021)