



General Assembly

**Amendment**

January Session, 2021

LCO No. 9841



Offered by:  
REP. MCCARTHY VAHEY, 133<sup>rd</sup> Dist.

To: Subst. House Bill No. 6541

File No. 304

Cal. No. 236

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

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Subsection (m) of section 8-3 of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective from*  
5 *passage and applicable to approvals made prior to July 1, 2011*):

6 (m) Notwithstanding the provisions of this section, any site plan  
7 approval made under this section prior to July 1, 2011, that has not  
8 expired prior to [May 9, 2011] the effective date of this section, except an  
9 approval made under subsection (j) of this section, shall expire not less  
10 than [nine] fourteen years after the date of such approval and the  
11 commission may grant one or more extensions of time to complete all or  
12 part of the work in connection with such site plan, provided no  
13 approval, including all extensions, shall be valid for more than  
14 [fourteen] nineteen years from the date the site plan was approved.

15 Sec. 2. Subsection (e) of section 8-26c of the general statutes is  
16 repealed and the following is substituted in lieu thereof (*Effective from*  
17 *passage and applicable to approvals made prior to July 1, 2011*):

18 (e) Notwithstanding the provisions of this section, any subdivision  
19 approval made under this section prior to July 1, 2011, that has not  
20 expired prior to [May 9, 2011] the effective date of this section, shall  
21 expire not less than [nine] fourteen years after the date of such approval  
22 and the commission may grant one or more extensions of time to  
23 complete all or part of the work in connection with such subdivision,  
24 provided no subdivision approval, including all extensions, shall be  
25 valid for more than [fourteen] nineteen years from the date the  
26 subdivision was approved.

27 Sec. 3. Subsection (c) of section 8-26g of the general statutes is  
28 repealed and the following is substituted in lieu thereof (*Effective from*  
29 *passage and applicable to approvals made prior to July 1, 2011*):

30 (c) Notwithstanding the provisions of this section, for any  
31 subdivision of land for a project consisting of four hundred or more  
32 dwelling units and approved prior to July 1, 2011, that has not expired  
33 prior to [May 9, 2011] the effective date of this section, any person, firm  
34 or corporation making such subdivision shall complete all work in  
35 connection with such subdivision not later than the date [fourteen]  
36 nineteen years after the date of approval of the plan for such  
37 subdivision. The commission's endorsement of approval on the plan  
38 shall state the date on which such [fourteen-year] nineteen-year period  
39 expires.

40 Sec. 4. Subsection (g) of section 22a-42a of the general statutes is  
41 repealed and the following is substituted in lieu thereof (*Effective from*  
42 *passage and applicable to approvals made prior to July 1, 2011*):

43 (g) Notwithstanding the provisions of subdivision (2) of subsection  
44 (d) of this section, any permit issued under this section prior to July 1,  
45 2011, that has not expired prior to [May 9, 2011] the effective date of this  
46 section, shall expire not less than [nine] fourteen years after the date of

47 such approval. Any such permit shall be renewed upon request of the  
48 permit holder unless the agency finds that there has been a substantial  
49 change in circumstances that requires a new permit application or an  
50 enforcement action has been undertaken with regard to the regulated  
51 activity for which the permit was issued, provided no such permit shall  
52 be valid for more than [fourteen] nineteen years.

53 Sec. 5. Section 8-3c of the general statutes, as amended by section 505  
54 of substitute house bill 6531 of the current session, as amended by  
55 Senate Amendment Schedule "A", is repealed and the following is  
56 substituted in lieu thereof (*Effective from passage and applicable to approvals*  
57 *made prior to July 1, 2011*):

58 (a) If an application for a special permit or special exception involves  
59 an activity regulated pursuant to sections 22a-36 to 22a-45, inclusive, the  
60 applicant shall submit an application to the agency responsible for  
61 administration of the inland wetlands regulations no later than the day  
62 the application is filed for a special permit or special exception.

63 (b) The zoning commission or combined planning and zoning  
64 commission of any municipality shall hold a public hearing on an  
65 application or request for a special permit or special exception, as  
66 provided in section 8-2, and on an application for a special exemption  
67 under section 8-2g. Such hearing shall be held in accordance with the  
68 provisions of section 8-7d. The commission shall not render a decision  
69 on the application until the inland wetlands agency has submitted a  
70 report with its final decision to such commission. In making its decision  
71 the zoning commission shall give due consideration to the report of the  
72 inland wetlands agency. Such commission shall decide upon such  
73 application or request within the period of time permitted under section  
74 8-7d. Whenever a commission grants or denies a special permit or  
75 special exception, it shall state upon its records the reason for its  
76 decision. Notice of the decision of the commission shall be published in  
77 a newspaper having a substantial circulation in the municipality and  
78 addressed by certified mail to the person who requested or applied for  
79 a special permit or special exception, by its secretary or clerk, under his

80 signature in any written, printed, typewritten or stamped form, within  
81 fifteen days after such decision has been rendered. In any case in which  
82 such notice is not published within such fifteen-day period, the person  
83 who requested or applied for such special permit or special exception  
84 may provide for the publication of such notice within ten days  
85 thereafter. Such permit or exception shall become effective upon the  
86 filing of a copy thereof (1) in the office of the town, city or borough clerk,  
87 as the case may be, but, in the case of a district, in the offices of both the  
88 district clerk and the town clerk of the town in which such district is  
89 located, and (2) in the land records of the town in which the affected  
90 premises are located, in accordance with the provisions of section 8-3d.

91 (c) (1) Notwithstanding the provisions of subsections (a) and (b) of  
92 this section, any special permit or special exception approval made  
93 under this section prior to July 1, 2011, that has not expired prior to the  
94 effective date of this section, and that specified a deadline by which all  
95 work in connection with such approval is required to be completed,  
96 shall expire not less than nineteen years after the date of such approval  
97 and the commission may grant one or more extensions of time to  
98 complete all or part of the work in connection with such special permit  
99 or special exception.

100 [(c)] (2) Notwithstanding the provisions of subsections (a) and (b) of  
101 this section, any special permit or special exception approval made  
102 under this section on or after July 1, 2011, but prior to the effective date  
103 of this section, that did not expire prior to March 10, 2020, and that  
104 specified a deadline by which all work in connection with such approval  
105 is required to be completed, shall expire not less than nineteen years  
106 after the date of such approval and the commission may grant one or  
107 more extensions of time to complete all or part of the work in connection  
108 with such special permit or special exception.

109 Sec. 6. Section 8-26e of the general statutes, as amended by section  
110 506 of substitute house bill 6531 of the current session, as amended by  
111 Senate Amendment Schedule "A", is repealed and the following is  
112 substituted in lieu thereof (*Effective from passage and applicable to approvals*

113 *made prior to July 1, 2011):*

114 (a) The planning commission of any municipality shall hold a public  
115 hearing on an application or request for a special permit or special  
116 exception, as provided in section 8-2. Any such public hearing shall be  
117 held in accordance with the provisions of section 8-7d. Such commission  
118 shall decide upon such application or request within the period of time  
119 permitted under section 8-26d. Whenever a commission grants or denies  
120 a special permit or special exception, it shall state upon its records the  
121 reason for its decision. Notice of the decision of the commission shall be  
122 published in a newspaper having a substantial circulation in the  
123 municipality and addressed by certified mail to the person who  
124 requested or applied for a special permit or special exception, by its  
125 secretary or clerk, under his signature in any written, printed,  
126 typewritten or stamped form, within fifteen days after such decision has  
127 been rendered. In any case in which such notice is not published within  
128 such fifteen-day period, the person who requested or applied for such a  
129 special permit or special exception may provide for the publication of  
130 such notice within ten days thereafter. Such permit or exception shall  
131 become effective upon the filing of a copy thereof (1) in the office of the  
132 town, city or borough clerk, as the case may be, but, in the case of a  
133 district, in the offices of both the district clerk and the town clerk of the  
134 town in which such district is located, and (2) in the land records of the  
135 town in which the affected premises are located, in accordance with the  
136 provisions of section 8-3d.

137 (b) (1) Notwithstanding the provisions of subsection (a) of this  
138 section, any special permit or special exception approval made under  
139 this section prior to July 1, 2011, that has not expired prior to the  
140 effective date of this section, and that specified a deadline by which all  
141 work in connection with such approval is required to be completed,  
142 shall expire not less than nineteen years after the date of such approval  
143 and the commission may grant one or more extensions of time to  
144 complete all or part of the work in connection with such special permit  
145 or special exception.

146 [(b)] (2) Notwithstanding the provisions of subsection (a) of this  
147 section, any special permit or special exception approval made under  
148 this section on or after July 1, 2011, but prior to the effective date of this  
149 section, that did not expire prior to March 10, 2020, and that specified a  
150 deadline by which all work in connection with such approval is required  
151 to be completed, shall expire not less than nineteen years after the date  
152 of such approval and the commission may grant one or more extensions  
153 of time to complete all or part of the work in connection with such  
154 special permit or special exception.

155 Sec. 7. Section 507 of substitute house bill 6531 of the current session,  
156 as amended by Senate Amendment Schedule "A", is repealed and the  
157 following is substituted in lieu thereof (*Effective from passage and*  
158 *applicable to approvals made prior to July 1, 2011*):

159 (a) (1) Notwithstanding the provisions of any special act, any site  
160 plan, subdivision or permit approval by a zoning commission, planning  
161 commission, combined planning and zoning commission, zoning board  
162 of appeals or inland wetlands agency pursuant to the provisions of any  
163 such special act that occurred prior to July 1, 2011, and that has not  
164 expired prior to the effective date of this section, shall expire not less  
165 than fourteen years after the date of such approval and such  
166 commission, board or agency, as applicable, may grant one or more  
167 extensions of time to complete all or part of the work in connection with  
168 such approval, provided no approval, including all extensions, shall be  
169 valid for more than nineteen years from the date the site plan,  
170 subdivision or permit was initially approved.

171 [(a)] (2) Notwithstanding the provisions of any special act, [or] any  
172 site plan, subdivision or permit approval by a zoning commission,  
173 planning commission, combined planning and zoning commission,  
174 zoning board of appeals or inland wetlands agency pursuant to the  
175 provisions of any such special act that occurred on or after July 1, 2011,  
176 but prior to the effective date of this section, and that did not expire prior  
177 to March 10, 2020, [such approval] shall expire not less than fourteen  
178 years after the date of such approval and such commission, board or

179 agency, as applicable, may grant one or more extensions of time to  
 180 complete all or part of the work in connection with such approval,  
 181 provided no approval, including all extensions, shall be valid for more  
 182 than nineteen years from the date the site plan, subdivision or permit  
 183 was initially approved.

184 (b) (1) Notwithstanding the provisions of any special act, any special  
 185 permit or special exception approval by a zoning commission, planning  
 186 commission, combined planning and zoning commission, zoning board  
 187 of appeals or inland wetlands agency pursuant to the provisions of any  
 188 such special act that occurred prior to July 1, 2011, that has not expired  
 189 prior to the effective date of this section, and that specified a deadline  
 190 by which all work in connection with such approval is required to be  
 191 completed, shall expire not less than nineteen years after the date of such  
 192 approval and such commission, board or agency, as applicable, may  
 193 grant one or more extensions of time to complete all or part of the work  
 194 in connection with such special permit or special exception approval.

195 [(b)] (2) Notwithstanding the provisions of any special act, [or] any  
 196 special permit or special exception approval by a zoning commission,  
 197 planning commission, combined planning and zoning commission,  
 198 zoning board of appeals or inland wetlands agency pursuant to the  
 199 provisions of any such special act that occurred on or after July 1, 2011,  
 200 but prior to the effective date of this section, that did not expire prior to  
 201 March 10, 2020, and that specified a deadline by which all work in  
 202 connection with such approval is required to be completed, [such  
 203 approval] shall expire not less than nineteen years after the date of such  
 204 approval and such commission, board or agency, as applicable, may  
 205 grant one or more extensions of time to complete all or part of the work  
 206 in connection with such special permit or special exception approval."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage and applicable to approvals made prior to July 1, 2011</i>	8-3(m)

---

Sec. 2	<i>from passage and applicable to approvals made prior to July 1, 2011</i>	8-26c(e)
Sec. 3	<i>from passage and applicable to approvals made prior to July 1, 2011</i>	8-26g(c)
Sec. 4	<i>from passage and applicable to approvals made prior to July 1, 2011</i>	22a-42a(g)
Sec. 5	<i>from passage and applicable to approvals made prior to July 1, 2011</i>	8-3c
Sec. 6	<i>from passage and applicable to approvals made prior to July 1, 2011</i>	8-26e
Sec. 7	<i>from passage and applicable to approvals made prior to July 1, 2011</i>	HB 6531 (current session), Sec. 507