

Planning and Development Committee

JOINT FAVORABLE REPORT

Bill No.: HB-5170

AN ACT CONCERNING EXTENSIONS OF TIME FOR CERTAIN MUNICIPAL COMMISSION, BOARD AND AGENCY DECISIONS AND TRAINING FOR

Title: INLAND WETLANDS AGENCIES.

Vote Date: 3/1/2024

Vote Action: Joint Favorable Substitute

PH Date: 2/21/2024

File No.:

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SPONSORS OF BILL:

Planning and Development Committee

REASONS FOR BILL:

To require the Department of Energy and Environmental Protection to require an online training program for members and staff of inland wetlands agencies and specify that extensions of time for certain decisions of municipal commissions, boards and agencies may be requested by petitioners and applicants or such commissions, boards, and agencies. The bill seeks to train all members of inland wetlands agencies to be properly trained and prepared for their duties.

RESPONSE FROM ADMINISTRATION/AGENCY:

[Executive Director, Council on Environmental Quality, Paul Aresta](#) supports the provisions that would require staff and each member of the Inlands Wetlands Agency to complete the training program. Noted that existing training programs have been well received and provided guidance on provisions within the Inland Wetlands and Watercourses Act.

[Commissioner, CT DEEP, Katie S. Dykes](#) explains that "While DEEP supports the intent of Section 1, DEEP will not be able to accomplish this training expansion within existing resources.". While these trainings are important, DEEP would require additional resources to expand access to the trainings. DEEP also suggests "not exempting attorneys from training requirements as our experience suggests that they would benefit as well from the additional information that would be provided. ". DEEP is neutral regarding Section 2 of the bill.

NATURE AND SOURCES OF SUPPORT:

[Government Relations Officer, CCAPA, John Guskowski](#) supports mandating training requirements due to the importance of the job the Inland Wetlands Agencies conducts. Other agencies are required to undergo training as "Public Act 21-29 mandated training for Planning, Zoning, and Zoning Board of Appeals membership, but left out Inland Wetlands Agencies." Additionally, training requirements are minimal with a single 8-hour series of online workshops every 4 years.

[Consultant, Rivers Alliance, Margaret Miner](#) supports consistent training in wetlands science and law for members of IWC staff. "At this me, there are unacceptably wide variations and even contradictions in people's knowledge of the science and law." Miner also recommends that the bill should call for "DEEP collaboration on or consulta on with a well-credentialed entity, representing a range of interests, that is strong on wetlands expertise and interaction with local officials. To my knowledge, the State Council on Conservation Districts is well suited to be this partner."

[Executive Director, CT Land Conservation Council, Amy Blaymore Paterson](#) supports Section 1 of the bill as it would train IWWC members on the important work they conduct. For Section 2 CLCC opposes a reduction in the time extension from 65 to 45 days. This reduction would place a burden on IWWC members and may lead to a short-cutting of the review process for complex projects.

[CEO, HBRA of CT, Jim Perras](#) supports the bill as training all members of inland wetland agencies strengthens members' ability "to make informed decisions that strike a balance between environmental conservation and the imperative for housing growth." The reduced extension period leads to time timely decision-making and promotes a "more responsive regulatory environment" encouraging responsible development.

NATURE AND SOURCES OF OPPOSITION:

[Mark Branse](#) opposes the bill as the reduction in extension time would rush commissions and their meeting dates. Additionally requiring all wetlands agency members to take the DEEP training course would be a burden for members.

[Attorney at Law, Janet P. Brooks](#) opposes language in Section 1 and the entirety of Section 2. Mandatory training for all members will lead to more knowledgeable members of these commissions undergoing important duties. The exemption of attorneys should be removed as they may not specialize in the areas that training would cover. Additionally, Brooks opposes the reduction in extension time as it would become burdensome for commissions.

[Executive Director, Rivers Alliance of CT, Alicea Charamut](#) opposes section 2 of the bill but would support section 1 with modifications. Supports the requirement of all IWWC members completing the training program. Suggests striking the licensed attorney-at-law exemption and adding language to keep the language up to date "with case law, statute, and regulation changes." The alliance strongly opposes the reduction of a time extension to 45 days as it would require commissions to alter their meeting schedules.

[Executive Director, CT Council of Small Towns, Betsy Gara](#) opposes Section 1 of the legislation requiring all members of inland wetlands agencies to complete a comprehensive

training program. DEEP is limited in its resources to adequately carry out this expanded training program. Additionally, the mandated training may deter members from joining commissions due to time constraints. Finally, COST believes that there are other individuals who warrant receiving an exemption from the training programs.

[Executive Director, RiverCOG, Samuel Gold](#) opposes the bill as the reduction in public hearing extensions from 65 days to 45 days would end up applying to planning and zoning commissions, zoning boards of appeals, and aquifer protection agencies. Without proper time to obtain information, the commission may be forced to deny or ask applicants to resubmit, leading to a longer process. The 45-day deadline opposed to the 65 days would off-set a commission's monthly schedule forcing commissions to potentially meet twice a month

[Advocacy Manager, CCM, Zachary McKeown](#) opposes the requirement of members completing the program once and every four years thereafter. These new requirements would create difficulties in filling positions and should be left to individual municipalities.

[Executive Director, WestCOG, Francis Pickering](#) opposes the requirement of all members undergoing training and the elimination of a statutory protection of decisions of inland wetland agencies in the event the requirement is not met. The standard the bill creates (100% of members trained before agencies first meeting) would be difficult to reach with no grace period combined with the elimination of protections may harm these wetland agencies. The reduction in the length of extensions may lead to reviews being rushed. WestCOG recommends 23 items within the testimony.

[Chair, CT Council on Soil and Water, Denise Savageau](#) supports the training of all Commissioners and IWWA staff but opposes the attorney exemption and the reduction in the extension time limit.

[President, CACIWC, Alan Siniscalchi](#) opposes the language providing an attorney exemption and the reduction in the extension time limit. The reduction in extension time will force commissions to alter meeting schedules and create a burden. Also supports the mandated training for all IWWA members.

Reported by: Mario Volpe

Date: 03/11/2024