



Connecticut

Connecticut Chapter of the American Planning Association

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JOINT COMMITTEE ON THE ENVIRONMENT

RAISED S.B. 1210 AN ACT CONCERNING THE MAKING OF TIMELY DECISIONS ON INLAND WETLAND AND WATERCOURSES PERMIT APPLICATIONS

OVERVIEW: CCAPA supports this proposal to make inland wetlands agency decision procedures consistent with those of other land use commissions and boards.

SUMMARY: Raised S.B. 1210 would eliminate the provision in Connecticut General Statutes §22a-42a that allows application to the Department of Environmental Protection when a municipal inland wetlands agency fails to issue a decision within the statutory time frame. Since such non-action does not constitute approval, by statute, this revision would permit direct legal action to compel a decision, rather than requiring another application process before legal action could be taken.

ANALYSIS: Although it is understood to be rare, a failure of an inland wetlands agency to reach a decision within the statutorily prescribed time limits can unduly complicate the overall land use approval process, both for applicants and for other commissions whose decisions must be contingent on wetlands approvals.

As drafted, this provision would remove the 35 day limit for reaching a decision after the close of a hearing, if held, and the time limits would then be as provided in Section 8-7d for all other land use regulatory decisions. This revision would further CCAPA's long standing goal of promoting consistency in the land use decision process. It will also reduce the pressure on agencies to reach decisions in an untimely manner and reduce the likelihood of appeals, whether to the DEP or to court.

CCAPA POSITION: CCAPA has supported improvements to the statutes to bring consistency and continuity to the land use decision making process for many years, including our efforts with the Planning and Development Committee in 2003 that resulted in Public Act 03-177, An Act Concerning Consistency in Municipal Land Use Administrative Review Processes. CCAPA also supports this proposal as providing additional predictability to the land use permitting process. CCAPA also believes this amendment to Section 22a-42a should remove the one remaining anomaly in the land use decision procedures by making time limits consistent for all land use decisions.