

SUPPORT H.B. 7040 (File # 427) (Sen Cal. #496), AAC Resubdivisions and Clarifying the Consideration by Planning and Zoning Commissions of Inland Wetlands Decisions.

JFS unanimous by P&D; Passed by the House

- **The title of the bill and OLR Report's 1st sentence is an error. This bill does not change the mandatory public hearings for resubdivisions.** That was in the original bill but was removed by the P&D Committee. This error in the title and OLR report produced the debate and the no votes in the House.
- **ALL the OBJECTIONS to the original bill 7040 raised by environmental advocates and conservation and inland wetland commissions WERE REMOVED FROM THE BILL by P&D**
- **The bill does only one thing: It clarifies that P&Z applications and inland wetland applications can be filed simultaneously, as current law intends.** This bill ought to pass the Senate on consent.
- **Current law is supposed to allow a site plan application (under zoning regulations) or subdivision application (under subdivision regulations) that also involves some wetlands to file simultaneously before both P&Z commissions and inland wetland agencies (see reverse for current statute supporting this statement).**
- **However, some towns have begun the practice of not allowing the P&Z application to be filed until the entire wetland review process concludes to reach a wetlands decision. This new (and not authorized) practice can add a year or more to the entire approval process, greatly increasing overall delays and costs.**
- Litigation to challenge this unauthorized practice is not practical as most home builders do not want to suffer the wrath of municipalities before which they need to apply for future approvals.
- The bill maintains the current prohibition on P&Z commissions from making its final decision until the inland wetlands agency makes its decision. P&Z commissions already must state on the record all the reasons for their decisions.

This clarification of the law will save significant delays caused by the unauthorized practice of forcing land use applicants to delay the filing of their site plan or subdivision applications until they have received a wetland agency decision.

Please pass H.B. 7040.

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Current statute (see below) is supposed to allow simultaneous applications to P&Z and inland wetlands. HB 7040 is necessary to clarify this intent of the statute.

- **See current law section 8-3(g)**, stating, “If a site plan application involves an activity regulated pursuant to sections 22a-36 to 22a-45, inclusive [chapter 440 - inland wetlands and watercourses], the applicant shall submit an application for a permit to the agency responsible for administration of the inland wetlands regulations **not later than the day such application is filed with the zoning commission**. The **decision** of the zoning commission shall not be rendered on the site plan application until the inland wetlands agency has submitted a report with its final decision.” (**emphasis added**)
- Also **see current law section 8-26**, stating, “If an application involves land regulated as an inland wetland or watercourse under the provisions of chapter 440, the applicant shall submit an application to the agency responsible for administration of the inland wetlands regulations **no later than the day the application is filed for the subdivision or resubdivision**. The [planning] commission shall not render a **decision** until the inland wetlands agency has submitted a report with its final decision to such [planning] commission.” (**emphasis added**)