

February 20, 2024

REVISED TESTIMONY (updated February 25)

Esteemed Chairs Kavros Degraw and Rahman,
Members of the Planning and Development Committee:

The Western Connecticut Council of Governments (WestCOG) appreciates the opportunity to comment on House Bill 5170, *An Act Concerning Extensions of Time for Certain Municipal Commission, Board and Agency Decisions and Training for Inland Wetlands Agencies*.

WestCOG issued [*An Investigation of Inland Wetlands Commissions Practices in Connecticut*](#) in 2023. This comprehensive report identified a range of opportunities to improve how Connecticut administers and protects wetlands. These opportunities, which are reproduced on pages 2-3 of this testimony include – but are not limited to – better education of inland wetland agency members. The bill would expand wetlands education, which WestCOG supports.

WestCOG **opposes** Section 2 of the bill. This section would further limit the extensions that local land use bodies including zoning, inland wetlands, and aquifer protection commissions may seek in reviewing an application, depriving local officials and applicants of important flexibility.

Municipalities must accept an application, even if it is incomplete. A principal use of extensions is to give applicants the opportunity to complete an application that was submitted incomplete. Rather than denying an application for being incomplete, a land use body may seek an extension, so that it can make a decision on a complete application.

Bill 207 would reduce the additional time that can be made available for an applicant to complete an application (and for the respective bodies to review it once it is complete) from 65 to 45 days. For commissions that meet monthly, this would halve the number of regular meetings at which follow-up discussion of an application may take place, from two to one, a significant reduction in the opportunity for commission members and applicants to interact.

Such a change may increase the frequency of applications that are not completed in time and thus subject to denials by local land use bodies. It is not clear how this is in the interest of those commissions or by the applicants before them.

It is important to note that, under current law, extensions are not only capped at 65 days; a body such as a zoning commission may only extend its consideration of an application if the applicant consents to the extension. Any applicant that is unwilling to entertain a 65-day extension has the right not to consent to an extension of such duration and could indicate such to a land use body.

Recommendations for Improving Wetlands Practices

Municipal Inland Wetlands Enforcement Program

1. Reduce wetland violations by municipal adoption of corrective action fee schedules as a standard practice across Connecticut.
2. Establish statewide uniform fee schedules for corrective actions associated with unpermitted wetlands that vary by the type and severity of the impacts.

Municipal Wetlands Training and Professional Credentials

3. Require all municipal inland wetlands agents to take the U.S. Army Corps of Engineers 40-hour training program that includes field identification and delineation of wetlands based on the Connecticut definition for wetlands.
4. Expand the role of the professionally trained inland wetlands agent to assume greater responsibility for minor and so-called moderate wetlands impacts applications.
5. Encourage the legislature to establish minimum wetlands training for all commission members as a condition of appointment to their post.
6. Provide meeting management training to all inland wetlands commission members.

Municipal Inland Wetlands Administration

7. To minimize cancelled meetings, encourage municipalities to reduce the size of inland wetlands commissions from seven to five members including two or three alternates. Providing for alternate members creates an “on the job” training opportunity useful for the long-term maintenance of institutional knowledge for the commission.
8. Reduce the instability of wetlands commission membership and improve institutional knowledge, extend the terms of office from three or four years – the prevailing practice today – to six years.
9. Provide municipal incentives for volunteerism such as specified tax abatements for years served, improved municipal recognition of service rendered, and more flexible standards for absenteeism for cause shown.

State Inland Wetlands Program Improvements

10. Revise inland wetlands regulations across Connecticut to distinguish between minor, moderate, and significant wetlands impacts using the approach developed by Norwalk and Wilton.
11. Encourage CTDEEP to develop a guidebook to standardize the interpretation of minor, moderate, and significant wetlands impact projects to achieve a consistent approach to the wetlands review and permitting process.
12. Restore the level of staffing and funding for the state inland wetlands program to ensure consistent implementation of municipal permit procedures and standards.
13. Encourage the state legislature to transform the upland review area into a riparian corridor buffer zone with regulatory authority to prohibit septic systems installed within 100 feet of rivers and streams.
14. Revise the model Connecticut Inland Wetlands regulations to require – rather than allow – all minor wetlands impacts to be managed by a properly trained inland wetlands agent.

Wetlands Avoidance Strategies

15. Encourage municipal zoning commissions to adopt the buildable square or rectangle tool as a means to minimize future impacts to the state's wetlands. (For more information, see WestCOG's report: [The Buildable Square: An Innovative Way to Protect Wetlands and Reduce Septic System Failures](#)).
16. Expand state and municipal support for the role of the inland wetlands agent function to enable dramatic expansion of staff time devoted to the pre-application review process – rather than the mere acceptance of wetland applications.
17. Establish wetlands avoidance strategies as a foundational element of the inland wetlands program.
18. Encourage the state legislature to authorize CTDEEP to create classes of inland wetlands that recognizes the importance of fully protecting the highest value wetlands within the state from any development similar to the approach taken in Vermont.

Dual Purpose Commissions

19. Divest the Inland Wetlands commissions of additional unfunded state mandates and workloads that diminish the effective management of the wetland permit program across Connecticut.
20. Establish funded environmental professionals at the regional level (e.g., COGs) to assume the duties of technically complex program such as stormwater management, aquifer protection, erosion and sedimentation control and similar environmental duties that benefit from management by highly trained staff.

Alternative Approaches to Regulating Inland Wetlands

21. Consolidate inland wetlands permit programs at the regional or state level based on the use of wetlands professionals operating under a state sponsored licensed wetland professional program analogous to the licensed environmental program.
22. Alternatively, encourage multi-town consolidation of inland wetlands functions amongst municipalities with limited fiscal resources and limited wetlands permit requests.
23. Alternatively, develop a licensed wetlands professional program to upgrade the current role served by the municipal inland wetlands agent.

Should there be interest, WestCOG is available to provide more information about these strategies to your Committee.

Thank you for your consideration.



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