

CONNECTICUT
Land Conservation Council

Testimony - House Bill No. 5475
Planning and Development Committee
Submitted by Amy Blaymore Paterson, Executive Director
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Co-Chairs Kavros-DeGraw and Rahman, Vice-Chairs Chafee and Needleman, Ranking Members Zullo and Fazio, and members of the Planning and Development Committee:

The Connecticut Land Conservation Council (CLCC) is the state's umbrella organization for the land conservation community, including its ~120 land trusts. We advocate for land conservation, stewardship, and funding and work to ensure the long-term strength and viability of Connecticut's land conservation community.

Thank you for this opportunity to present testimony regarding **House Bill No. 5475, An Act Concerning The Development Of Housing And Challenges To Certain Decisions Of Municipal Agencies**, which seeks to change local land use decision-making and appeal process provisions.

CLCC opposes language in Section 1 that narrows the definition of “aggrieved” to those who have suffered actual damage to their property or an impairment of their interest therein. This proposed change fails to recognize that agency actions are prospective; the purpose of the commission’s review is to prevent any actual damages from occurring.

For the same reason, we oppose language in Section 3, which also narrows the definition of “aggrieved”. We also oppose the requirement in Section 3 that a person filing the appeal include a written and signed opinion of a qualified hydrologist to support their claim that the damage occurred due to the proposed action. Again, this requirement puts the cart before the horse – asking for specific evidence of actual harm before the proposed development has yet to occur. (As an aside, this Section also fails to recognize that wetlands are statutorily defined as soils with values that extend beyond their hydrological benefits.)

CLCC opposes Section 5, which would allow a municipal legislative body to exempt specific properties from the local inland wetlands and watercourse review process merely because they are located in areas that are already developed (i.e., “having existing commercial or retail uses and having water, sewer, and other infrastructure adequate to support development...”). This proposed change broadly assumes that further changes to that area will not impact the wetlands, thereby circumventing the local process for a case-by-case review.

Thank you for this opportunity to provide input on this critical topic. I would be happy to answer any questions you may have.

