

Law Offices of
Keith R. Ainsworth, Esq., LLC

51 Elm Street, Suite 201
New Haven, CT 06510-2049
(203)435-2014 keithrainsworth@live.com

2019 CONNECTICUT LAND USE & ENVIRONMENTAL LAWS

- **(NEW 2018!) C.G.S §52-196 – Anti-SLAPP Suit Provision – Allows for dismissal of suits filed against a person who comments on environmental matters**
- **C.G.S §22a-19/§22a-19a – CT Environmental Protection Act – (CEPA) environmental and historic Also: C.G.S §22a-16 – injunctions under CEPA**
- **C.G.S §8-3(b) – Protest petition signed by owners of 20% of land area w/in 500ft of land rea affected by zone change forces 2/3 majority vote.**
- **C.G.S §4-174 – Administrative procedure act – allows the call of a public hearing on state agency permitting decisions on the presentation of 25 signatures.**
- **C.G.S §22a-41 et seq – Inland Wetlands & Watercourses Act – often adopted verbatim on local level allowing for calling of public hearing on petition of 25 people. Bonus: Also includes \$1000/day fines for wetlands encroachment.**
- **C.G.S. §47-33h (2001) excludes Conservation Easements (CEs) from Marketable Record Title Act.**
https://www.cga.ct.gov/current/PUB/chap_821.htm#sec_47-33h
- **C.G.S § 47-27(b) (2002,2015, 2016) bars adverse possession and prescriptive easement claims against non-profit land holding organizations.**
https://www.cga.ct.gov/current/PUB/chap_821.htm#sec_47-27
- **C.G.S. § 47-42a. Definitions(1971) Broad definition of Preservation & Conservation Restrictions**
https://www.cga.ct.gov/current/pub/chap_822.htm#sec_47-42a
- **C.G.S. § 47-42b. (1971) Enforcement of conservation and preservation restrictions held by governmental body or charitable corporation. Allows perpetual CEs to be held by land trusts.**
https://www.cga.ct.gov/current/pub/chap_822.htm#sec_47-42b
- **C.G.S. § 47-42c. (1971) Acquisition of restrictions. Enforcement by Attorney General.** https://www.cga.ct.gov/current/pub/chap_822.htm#sec_47-42c

- C.G.S §47-42d (2005) requires notice to CE holders of permit applications with state & local land use agencies & building officials.
https://www.cga.ct.gov/current/pub/chap_822.htm#sec_47-42d
- C.G.S. § 47-42e (2010) Municipal property acquired with intent to place restriction or dedicated as park or open space land. Recording in land records. Enforcement. AG enforcement
https://www.cga.ct.gov/current/pub/chap_822.htm#sec_47-42e
- C.G.S. §52-560a (2006) For encroachment on land trust (LT) land or CEs, court can award restoration or cost of restoration incl. management fees, atty fees, costs, equitable relief & penalty of 5x restoration cost or \$5,000 statutory damages. Attorney General can also enforce.
<https://www.cga.ct.gov/2011/pub/chap925.htm#Sec52-560.htm>
- C.G.S. §52-560 (1961) Treble damages for cutting of trees (including Christmas trees) on private land. Does NOT include land trust land.
https://www.cga.ct.gov/current/pub/chap_925.htm#sec_52-560
- C.G.S §52-577m (1986) Immunity for officers and directors of a non-profit organization acting in good faith except for “the reckless, wilful or wanton misconduct of such person”.
https://www.cga.ct.gov/current/pub/chap_925.htm#sec_52-577m
- C.G.S §52-557k (1979) Immunity for firewood harvesting (w or w/o charge), pick your own and sale of maple sugaring products for no fee, unless >100 cords of wood/yr or charge an entry fee.
https://www.cga.ct.gov/current/pub/chap_925.htm#sec_52-557k
- C.G.S. § 7-131n (1975/77) Taking of land previously intended for use as park or for other recreational or open space purposes. Must provide comparable replacement in *value and size* and hold public hearing.
- C.G.S. § 47-2. (1949) Charitable uses “All estates granted for any other public and charitable use, shall forever remain to the uses to which they were granted, according to the true intent and meaning of the grantor, and to no other use whatever.” https://www.cga.ct.gov/current/PUB/chap_821.htm#sec_47-2
 - Doctrine of Administrative Deviation (modification of admin. terms)
 - Cy Pres (modification of Charitable Purpose)
- C.G.S. § 52-557g. (1971) Liability of owner of land available to public for recreation; exceptions. Landowner who makes land available to the public without charge for recreational purposes owes no duty of care to keep the land safe for entry or use by others for recreational purposes, or to give any warning of a danger, use, structure or activity on the land to persons entering for recreational purposes. <https://www.cga.ct.gov/2011/pub/chap925.htm#Sec52-557g.htm>

- **C.G.S §22a-381e. Prohibited actions re running bamboo. Disclosure statement. Penalties. Enforcement. Running bamboo as nuisance.**
Bamboo planted within 40ft of a property line or which crosses a boundary is a statutory nuisance. Damages and \$100/day penalty.
https://www.cga.ct.gov/current/pub/chap_446i.htm#sec_22a-381e