



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

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Executive Director

April 18, 2024

Re: Substitute House Bill 5475 (File No. 419) - An Act Concerning the Development of Housing, Challenges to Certain Decisions of Municipal Agencies, and the Conversion of Vacant Nursing Homes Into Multifamily Housing

The Honorable Sen. Looney, Senate President Pro Tempore and Rep. Ritter, Speaker of the House; Honored Co-Chairs Sen. Rahman and Rep. Kavros DeGraw, Planning and Development Committee; and Honored Co-Chairs Sen. Lopes and Rep. Gresko, Environment Committee.

The Council on Environmental Quality (Council) is a board that works independently of the Department of Energy and Environmental Protection (DEEP) to assess the condition of Connecticut's environment and report its findings annually to the Governor; recommend actions to improve state environmental programs; advise other state agencies on the environmental impacts of proposed projects; and investigate citizens' complaints and allegations of violations of environmental laws.

As detailed on the Office of Legislative Research's Bill Analysis, the substitute language for House Bill 5475 narrows the applicability of certain land use procedures by eliminating individuals' and organizations' standing to intervene, under the Connecticut Environmental Protection Act, in certain proceedings on residential building permit applications; and allows municipalities to adopt ordinances identifying certain areas that could support increased development and exempting developments in those areas from inland wetlands agency review.

As noted in the Council's 2022 annual report, *Environmental Quality in Connecticut*, wetlands serve many functions; one of them being their unique ability to store and sequester carbon; making them a vital resource in achieving the greenhouse gas emission goals set by the General Assembly in various public acts. In addition, the Legislature has found that "inland wetlands and watercourses of the state of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life".<sup>1</sup>

<sup>1</sup> Connecticut General Statutes, Sec. 22a-36. Inland wetlands and watercourses. Legislative finding; [https://www.cga.ct.gov/current/pub/chap\\_440.htm#sec\\_22a-36](https://www.cga.ct.gov/current/pub/chap_440.htm#sec_22a-36)

The proposed substitute language raises significant concerns regarding the public's ability to intervene in proceedings for actions that could unreasonably pollute or damage the state's natural resources and the protection of inland wetlands. The proposed substitute language might be contrary to state policy that "it is in the public interest to provide **all persons** with an adequate remedy to protect the air, water and other natural resources from unreasonable pollution, impairment or destruction". The substitute language might also conflict with certain provisions of the existing Inland Wetlands and Watercourses Act (Connecticut General Statutes (CGS) Sections 22a-36 to 22a-45, inclusive) that seek to preserve and protect wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction. Specifically, CGS Section 22a-42 requires the municipal regulation of activities affecting wetlands and watercourses within the territorial limits of the various municipalities or districts.

It is recommended that the proposed substitute language be revised to eliminate the provisions that 1) limit public participation in any administrative proceeding, or in any judicial review related to the public trust in environmental resources, and 2) allow the municipality to waive the review and regulation of actions that could impact inland wetlands in areas designated for increased development.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Paul Aresta". The signature is written in black ink and is positioned above the printed name and title.

Paul Aresta,  
Executive Director