

CHAPTER 477a*

LOWER CONNECTICUT RIVER CONSERVATION ZONE

*See Sec. 25-102t re oil spill containment and removal within the lower Connecticut River.

Table of Contents

[Sec. 25-102a. Public interest in lower Connecticut River.](#)

[Sec. 25-102b. Definitions.](#)

[Sec. 25-102c. Conservation zone designated.](#)

[Sec. 25-102d. Connecticut River Gateway Committee: Membership, duties. Election by towns.](#)

[Sec. 25-102e. Connecticut River Gateway Commission established. Funds held in custody.](#)

[Sec. 25-102f. Acquisition of land and water interests by the state.](#)

[Sec. 25-102g. Local zoning within the conservation zone. Standards. Approval procedure. Revision of standards.](#)

[Sec. 25-102h. Action on applications to zoning boards of appeals referred to Connecticut River Gateway Commission.](#)

[Sec. 25-102i. Appeals from zoning boards of appeals to commission.](#)

[Sec. 25-102j. Withdrawal of town by referendum. Reinstatement by referendum.](#)

[Sec. 25-102k. Uniform Administrative Procedure Act not applicable.](#)

[Sec. 25-102l. Appeals.](#)

[Sec. 25-102m. Standards and criteria for private residential docks and piers and management of scenic resources and visual impacts.](#)

[Secs. 25-102n to 25-102s. Reserved](#)

Sec. 25-102a. Public interest in lower Connecticut River. It is found that the lower Connecticut River and the towns abutting the river possess unique scenic, ecological, scientific and historic value contributing to public enjoyment, inspiration and scientific study, that it is in the public interest that the provisions of this chapter be adopted to preserve such values and to prevent deterioration of the natural and traditional riverway scene for the enjoyment of present and future generations of Connecticut citizens and that the powers of the Commissioner of Energy and Environmental Protection, conferred by the provisions of section 22a-25, should be exercised in the furtherance of the purposes hereof in conformity with his general responsibility to preserve the natural resources of the state.

(P.A. 73-349, S. 1, 11; P.A. 11-80, S. 1.)

History: Pursuant to P.A. 11-80, "Commissioner of Environmental Protection" was changed editorially by the Revisors to "Commissioner of Energy and Environmental Protection", effective July 1, 2011.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 25-102b. Definitions. As used in this chapter, “conservation zone” means the zone described in section 25-102c; “development rights” means the rights of the owner of property to improve such property, including the right to change the terrain, remove natural vegetation and construct buildings thereon; “land coverage” means that portion of a given plot of land on which construction is permitted; “scenic easement” means a less than fee interest in property acquired for the purpose of maintaining the existing condition of the property or of preserving an unobstructed view.

(P.A. 73-349, S. 2, 11.)

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 25-102c. Conservation zone designated. All the following area is hereby designated as a conservation zone:

Beginning at a point 300 feet to the west of the intersection of the center line of Dublin Road and the town line between Middletown and Haddam and proceeding southerly along a line parallel to and 300 feet to the west of the center line of Dublin Road to its intersection with a line parallel to and 300 feet to the south of the center line of Depot Hill Road, thence easterly along said line to its intersection with a line parallel to and 300 feet to the west of the center line of Landing Hill Road, thence southerly along said line to its intersection with a line parallel to and 1500 feet to the west of the center line of Connecticut Route 9A, thence southerly along said line to its intersection with a line parallel to and 300 feet to the west of the center line of Walkley Hill Road, thence southerly along said line to its intersection with a line parallel to and 1500 feet to the west of the center line of Connecticut Route 9A, thence southerly along said line to its intersection with the town line between Chester and Haddam, thence westerly along said line to its intersection with a line parallel to and 300 feet to the east of the center lines of Old County Road and Goose Hill Road, thence southerly along said line to its intersection with a line parallel to and 300 feet to the north of the center line of Story Hill Road, thence easterly along said line to its intersection with a line parallel to and 300 feet to the east of Connecticut Route 9A, thence southerly along said line to its intersection with the town boundary between Deep River and Chester, thence easterly along said line to its intersection with a line parallel to and 600 feet to the east of Connecticut Route 9A, thence southerly along said line to its intersection with a line parallel to and 300 feet to the north of Kirtland and Reade Streets, thence easterly along said line to its intersection with a line parallel to and 300 feet to the east of Arnold Street, thence southerly along said line to its intersection with a line parallel to and 300 feet to the south of the center line of River Street, thence westerly along said line to its intersection with a line parallel to and 300 feet to the east of the center line of Fairview Avenue, thence southerly along said line to its intersection with the westerly boundary line of what is now or formerly the Valley Railroad right-of-way, thence southerly along said line to its intersection with the town line between Deep River and Essex, thence northeasterly along said line to a point on such town line 400 feet before the intersection of the town line with the center line of Book Hill Road, thence due southerly along a line to its intersection with a stream running in said southerly direction, continuing along said stream to its intersection with the center line of Dennison Road, thence southeasterly along a straight line to the intersection with a stream running in said southerly direction, continuing along said stream to its intersection with the center line of Dennison Road, thence southeasterly along a straight line to the intersection of Sunset Terrace and Cunningham Lane, thence along the center line of Sunset Terrace to its intersection with the center line of West Avenue, which at this point is also the northerly boundary line of the Limited Industrial District (LI-80) as drawn on the zoning map of the town of Essex dated June 1966, as amended, thence easterly, southerly and southwesterly along said Limited Industrial District boundary line to its intersection with the easterly boundary line of Connecticut Route 9, thence southerly along said line to its intersection with the town line between Old Saybrook and Essex, thence easterly along said line to its intersection with a line parallel to and 300 feet to the east of the center line of Connecticut Route 9A, thence southerly along said line to its intersection with a line parallel to and 300 feet to the south of the center line of Essex Road, thence easterly along said line to its intersection with a line parallel to and 300 feet to the west of the center line of Ferry Road and Ferry Place, thence southerly along said line to its intersection with the southern boundary line of the Penn

Central Railroad right-of-way, thence westerly along said line to its intersection with the center line of the old trolley crossing, thence southerly and westerly along said center line to its intersection with a line parallel to and 750 feet east of Ford Drive, thence southwesterly along said line to its intersection with a line parallel to and 300 feet northeast of the northeasterly property line of the former Valley Railroad right-of-way to Fenwick, thence southeasterly along said line to its intersection with a line parallel to and 1100 feet southeast of Ford Drive, thence southwesterly along said line to its intersection with the northeasterly property line of the former Valley Railroad right-of-way to Fenwick, thence southeasterly along said line to its intersection with a line parallel to and 50 feet inland from the mean high water line of North Cove, thence southerly and easterly along said line to its intersection with a line parallel to and 300 feet to the west of the center line of North Cove Road and South Cove Road, thence southerly along said line to its intersection with a line parallel to and 50 feet inland from the mean high water line of South Cove, thence westerly, southerly and easterly along said line to its intersection with the western boundary line of Fenwick Borough, thence southerly along said line to its intersection with the mean high water line of Long Island Sound, thence easterly along said line to Lynde Point at Saybrook Lighthouse, thence easterly along a line across the mouth of the Connecticut River to the westernmost tip of Griswold Point, thence easterly along the mean high water line of Long Island Sound to its intersection with a line parallel to and 300 feet to the west of Springfield Road, thence northerly along said line to its intersection with a line parallel to and 300 feet to the north of the center line of Old Shore Road, thence westerly along said line to its intersection with a line parallel to and 300 feet to the west of the center line of Buttonball Road, thence northerly along said line to its intersection with a line parallel to and 300 feet to the north and west of the center line of Mile Creek Road, thence westerly along said line to its intersection with a line parallel to and 300 feet to the west of the center line of Whippoorwill Road, thence northerly along said line to its intersection with the southerly boundary line of the Governor John Davis Lodge Turnpike (Interstate 95), thence westerly along said line to its intersection with the center line of Lyme Street, thence running northerly along said center line to its junction with the center line of Sill Lane, thence running northerly along said center line of Sill Lane to its intersection with a line 300 feet to the north of the center line of Saunders Hollow Road, thence running westerly and northerly along said line to its intersection with a line parallel to and 300 feet to the east of the center line of Connecticut Route 156, thence northerly along said line to its intersection with a line parallel to and 300 feet north of the center line of Joshuatown Road in the town of Lyme, thence westerly and northerly along said line to its intersection with a line parallel to and 300 feet to the north of the center line of Connecticut Route 148, thence westerly along said line to its intersection with a line parallel to and 300 feet to the east of the center line of River Road in the town of East Haddam, thence northerly along said line to its intersection with the projected center line of the main entrance road to Gillette Castle State Park, thence westerly along said center line to its intersection with a line parallel to and 300 feet to the west of the center line of River Road, thence northerly along said line to its intersection with a line parallel to and 2500 feet to the west of the center line of Connecticut Route 82, thence northerly along said line to its intersection with a line parallel to and 300 feet to the west of the center line of Palmer Martin Road, thence northerly along said line and its projection across Connecticut Route 82 to its intersection with a line parallel to and 300 feet to the north of the center line of Connecticut Route 82, thence westerly along said line to its intersection with a line parallel to and 600 feet to the east of the center line of Creek Row, thence northerly along said line to its intersection with the center line of the electric power transmission line right-of-way which crosses Connecticut Route 149 near the junction of Creek Row and Connecticut Route 149, thence westerly along said line to its intersection with a line parallel to and 1000 feet to the west of the center line of Connecticut Route 149, thence northerly along said line to its intersection with a line parallel to and 1000 feet to the west of the center line of Johnsonville Road, thence northerly along said line to its intersection with a line parallel to and 4000 feet to the north of the center line of the power transmission line previously described, thence westerly along said line to its intersection with a line drawn perpendicular to it at its point of intersection with the east bank of the Salmon River, thence southerly along said line to its intersection with a line parallel to and 1500 feet to the north of the center line of the previously described power transmission line, thence westerly along said line to its intersection with a line parallel to and 300 feet to the west of the center line of Jenks Hill Road, thence northerly and westerly along said line to its intersection with a line parallel to and 600 feet to the west of the center line of Upper Road, thence northerly along said line to its intersection with a line parallel to and 300 feet to the north of the center line of Haddam Neck Road, thence westerly along said line to its intersection with a line parallel to and 300 feet to the east of the center line of Hurd Park Road, thence northerly along said line to its intersection with the town line between Haddam and East

Hampton, thence westerly along said line and the town line between Middletown and Haddam to the point of beginning, 300 feet to the west of the center line of Dublin Road.

(P.A. 73-349, S. 3, 11; P.A. 74-103, S. 1, 10; P.A. 76-91, S. 1, 2; P.A. 86-201, S. 11.)

History: P.A. 74-103 revised conservation zone boundary description; P.A. 76-91 revised conservation zone boundary description; P.A. 86-201 changed name of Connecticut Turnpike to Governor John Davis Lodge Turnpike.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 25-102d. Connecticut River Gateway Committee: Membership, duties. Election by towns. (a) There shall be a Connecticut River Gateway Committee consisting of the Commissioner of Energy and Environmental Protection or his designee, a representative from each of the towns of Old Saybrook, Essex, Deep River, Chester, Haddam, East Haddam, Lyme and Old Lyme, appointed by the first selectman of each of said towns, and a representative of the Mid-State Regional Planning Agency appointed by said agency and a representative of the Connecticut River Estuary Regional Planning Agency appointed by said agency. The Commissioner of Energy and Environmental Protection shall, within thirty days of July 1, 1973, call a meeting of said committee which shall, within ninety days thereafter: (1) Hold public hearings for the purpose of developing minimum standards to preserve the area within the conservation zone as hereinafter provided; (2) using as guidelines whatever standards may be applicable, including those set down for estuarine sanctuaries by the Department of Commerce under the Coastal Zone Management Act of 1972 (P.L. 92.583), prepare minimum standards for the regulation of the usage of property within the conservation zone consistent with the purposes of this chapter and for the protection and development, for purposes of this chapter, of such property by means of land coverage, frontage, setback, design and building height and the regulation of the cutting of timber, burning of undergrowth, removal of soil or other earth materials and the dumping or storing of refuse to prevent deterioration of the natural or traditional riverway scene, provided such standards shall not discourage constructive development and uses of such property, which are consistent with the purposes of this chapter; (3) make recommendations for lands and waters to be acquired by the commissioner in less than fee title under the provisions of section 25-102f; and (4) present such standards, with relevant findings as to whether the plan of development and zoning ordinances and planning and subdivision regulations, relating to land within the conservation zone of each of the eight towns enumerated in this subsection conform with such standards and, if not, specifying the particulars in which they do not conform, to the conservation commissions, zoning commissions, planning commissions and planning and zoning commissions of the respective towns. No action by said committee shall be effective except by the concurring vote of at least six members. The committee shall terminate at such time as the Connecticut River Gateway Commission has been created under section 25-102e or four towns have voted not to be governed by the provisions of sections 25-102g, 25-102h and 25-102j.

(b) The commissions of the respective towns referred to in subsection (a) of this section shall study the standards so established and shall, within ninety days of such submission, file with the town clerk of the town which they serve, for submission to its legislative body, recommendations as to whether such town should vote to be governed by the provisions of sections 25-102g, 25-102h and 25-102j. Failure of a commission to make such recommendations within the time limited therefor shall be deemed a recommendation that the town should vote to be so governed. Within thirty days after April 22, 1974, the clerk of any such town which has not previously voted to be governed by the provisions of this chapter, shall call a meeting of its legislative body at the earliest legal date, which may be the annual or a regular or special meeting of such body, at which meeting, such legislative body shall vote as to whether such town shall be governed by the provisions of sections 25-102g, 25-102h and 25-102j and the town clerk of such town shall report the result of such vote to the Commissioner of Energy and Environmental Protection for transmittal to the Connecticut River Gateway Committee.

(P.A. 73-349, S. 4, 11; P.A. 74-103, S. 2, 10; P.A. 07-217, S. 121; P.A. 11-80, S. 1.)

History: P.A. 74-103 added reference to “planning and subdivision regulations, relating to land within the conservation zone” in Subsec. (a)(4) and revised provision in Subsec. (b) re vote by town's legislative body to require that clerk call meeting for purpose of voting within 30 days of April 22, 1974; P.A. 07-217 made technical changes in Subsec. (b), effective July 12, 2007; pursuant to P.A. 11-80, “Commissioner of Environmental Protection” was changed editorially by the Revisors to “Commissioner of Energy and Environmental Protection”, effective July 1, 2011.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 25-102e. Connecticut River Gateway Commission established. Funds held in custody. (a) After at least five of the towns to which this chapter applies have voted to be governed by the provisions of sections 25-102g, 25-102h and 25-102j, the legislative body of each such town or the board of selectmen in the case of a municipality in which the legislative body is a town meeting, shall, within sixty days, appoint a member and an alternate member to the Connecticut River Gateway Commission, each to serve for a term of two years and until his successor is appointed and has qualified. Such appointments may be made at the legislative body's meeting held pursuant to subsection (b) of section 25-102d, to take effect when the last of the first five towns has voted to be governed by the provisions of this chapter. The Mid-State Regional Planning Agency and the Connecticut River Estuary Regional Planning Agency shall each appoint a representative and an alternate representative from said agency, each to serve on said commission for a term of two years. An alternate member shall be empowered to vote on said commission in the absence of the member for whom he is an alternate. The initial terms of members shall commence when the last of the first five towns voting to be governed by the provisions of this chapter has appointed a member and an alternate member and the initial terms of members from towns which so vote at a later date shall be concurrent with those of persons already members of the commission. Any vacancy on the commission shall be filled in the same manner as the original appointment for the balance of the unexpired term. The Commissioner of Energy and Environmental Protection or his designee shall be a member of said commission. No appointed member shall receive any compensation for his service on said commission. Said commission shall elect from its members a chairman and such other officers as it deems necessary and shall establish its own rules of procedure. The commission shall be an autonomous body within the Department of Energy and Environmental Protection for administrative purposes only. The commission may employ expert and such other assistants as it judges necessary and may accept funds from any source. Notwithstanding any other provision of the general statutes, any funds appropriated to the commission, or received by the commission from any other source, shall be held in the custody of the commission and expended by the commission for the purposes set forth in this chapter.

(b) Notwithstanding any other provision of the general statutes, the commission may: (1) Acquire or convey by purchase, gift, lease, devise, exchange or otherwise, any land or interest therein including, but not limited to, conservation easements, located wholly or partly in the conservation zone, provided such acquisition does not utilize funds furnished by the state; (2) transfer, with the approval of the commissioner, any land or interest therein to the state with or without consideration, provided any funds received therefor shall not be deemed funds furnished by the state for the purposes of this section; and (3) contribute or transfer funds to, and enter into agreements with, land trusts or other conservation organizations, to carry out the purposes of this chapter. The commission shall report to the General Assembly, on or before February fifteenth, annually, on its activities of the preceding year and on its finances. The existence of the commission shall terminate at such time as all of its member towns have withdrawn or it is abolished by the General Assembly.

(P.A. 73-349, S. 5, 11; P.A. 74-103, S. 3, 10; P.A. 75-370, S. 1, 3; P.A. 79-560, S. 13, 39; P.A. 84-127, S. 3, 4; P.A. 86-406, S. 13, 15; P.A. 91-369, S. 1, 36; P.A. 94-59, S. 4; P.A. 11-80, S. 1.)

History: P.A. 74-103 added provision to specify when appointments to Commission are to be made and when they are to take effect and declared Commission to be an “autonomous body within the department of environmental protection for fiscal and budgetary purposes only”; P.A. 75-370 specified that funds received from sources other than environmental protection department are to be preserved for purposes of chapter 477a and kept separate from allocations made by the department; P.A. 79-560 placed commission within

environmental protection department for “administrative” rather than “fiscal and budgetary” purposes; P.A. 84-127 replaced provision that certain funds be maintained in a separate account by the environmental protection department with provision that funds received by the commission be held in the custody of the commission; P.A. 86-406 added provisions clarifying land acquisitions, transfers, etc., and divided the section into Subsecs.; P.A. 91-369 amended Subsec. (a) to delete a provision allowing a member of the commission to be reimbursed for expenses related to his duties; P.A. 94-59 amended Subsec. (a) to provide that appointments shall be made by the board of selectmen in the case of a municipality in which the legislative body is a town meeting; pursuant to P.A. 11-80, “Commissioner of Environmental Protection” and “Department of Environmental Protection” were changed editorially by the Revisors to “Commissioner of Energy and Environmental Protection” and “Department of Energy and Environmental Protection”, respectively, in Subsec. (a), effective July 1, 2011.

See Sec. 4-38f for definition of “administrative purposes only”.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 25-102f. Acquisition of land and water interests by the state. The Commissioner of Energy and Environmental Protection shall, with the approval of said commission and in the manner provided in section 22a-25, acquire in the name of the state interests less than fee in lands and waters, including scenic easements and development rights, necessary and applicable to the preservation of the Connecticut River as provided in section 25-102a within the area encompassed by the towns of Old Saybrook, Essex, Deep River, Chester, Haddam, East Haddam, Lyme and Old Lyme, provided he shall not so acquire the title to scenic easement and development rights with respect to more than twenty-five hundred acres and provided interests in lands and waters held by trusts for conservation purposes or municipally owned lands and waters shall not be subject to condemnation. The commissioner shall be guided in making such acquisitions by the recommendations of the committee made under subsection (a) of section 25-102d and by any modifications which the commission may make to such recommendations. Funds for such acquisitions shall be made available from the proceeds of bonds authorized under subdivision (9) of subsection (b) of section 2 of special act 73-74. Interests less than fee acquired by the commissioner by gift or devise shall not be applied against the twenty-five hundred acres referred to in this section. Interests acquired by purchase, at less than fair market value, as determined by the appraisal of the Department of Energy and Environmental Protection, shall be applied against said twenty-five hundred acre limitation to the extent of the percentage of purchase price to fair market value.

(P.A. 73-349, S. 10, 11; P.A. 74-103, S. 7, 10; P.A. 75-370, S. 2, 3; P.A. 11-80, S. 1.)

History: P.A. 74-103 specified that “interests less than fee acquired by the commissioner by gift or devise shall not be applied against the 2,500 acres referred to in this section”; P.A. 75-370 required that commissioner be guided by modifications to recommendations made by Commission and specified that interests acquired by purchase at less than fair market value “shall be applied against said twenty-five hundred acre limitation to the extent of the percentage of purchase price to fair market value”; pursuant to P.A. 11-80, “Commissioner of Environmental Protection” and “Department of Environmental Protection” were changed editorially by the Revisors to “Commissioner of Energy and Environmental Protection” and “Department of Energy and Environmental Protection”, respectively, effective July 1, 2011.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 25-102g. Local zoning within the conservation zone. Standards. Approval procedure. Revision of standards. (a) After at least five of the towns to which this chapter applies have voted to be so governed, the planning commission and the zoning commission, or the combined planning and zoning commission, of each town which so votes shall promptly revise the zoning ordinances or plan of development and planning and subdivision regulations, relating to land within the conservation zone of such town to meet the minimum standards established under the provisions of section 25-102d, and thereafter shall promptly make further revisions to meet any revised standards adopted by the commission pursuant to subsection (c) of this section.

(b) No adoption, amendment or repeal of a local zoning, subdivision or planning regulation with respect to property within the conservation zone within such town shall be effective which has not received the approval of the Connecticut River Gateway Commission. Each local zoning commission, planning commission or combined planning and zoning commission shall submit its decision by certified mail to the Connecticut River Gateway Commission for approval. If, within thirty-five days after receipt of such submission, said commission has failed to approve or disapprove such submission, it shall be deemed to be so approved; provided, the Connecticut River Gateway Commission may within said time period reserve decision thereon and schedule the matter for a public hearing. Notice of the Gateway Commission's decision on the submission or of its determination to hold a public hearing shall be made in writing to the commission referring the submission. Such public hearing shall commence within sixty-five days after receipt of the submission and shall terminate within sixty days of its commencement and shall be held by a majority of the members of the Connecticut River Gateway Commission, with representatives of at least five member towns present, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in the form of a legal advertisement in a newspaper having a substantial circulation in the town from which the submission was referred, two times, at intervals of not less than two days, the first not more than fifteen days nor less than ten days, and the last not less than two days, before such hearing. The action of the Connecticut River Gateway Commission shall have the object of regulating the uses of such property consistent with the purposes of this chapter and promoting the protection and development for purposes of this chapter of such property by means of classification of zoning districts according to types of land usage permitted therein, land coverage, frontage, setback, design and building height and by regulating the cutting of timber, burning of undergrowth, removing soil or other earth materials and dumping or storing refuse in a manner that would detract from the natural or traditional riverway scene, provided such action shall not discourage constructive development and uses of such property which are consistent with the purposes of this chapter. The commission shall render a decision on the submission within sixty-five days after completion of the hearing. The submitting commission may consent to an extension of any period specified in this subsection, provided such extension shall not be for longer than double the period specified, or it may withdraw such submission. The Gateway Commission shall publish notice of its decision in a newspaper having substantial circulation in the town from which the submission was received.

(c) The commission shall, from time to time, review, and may, after public hearing of which at least fifteen days' notice has been given in a newspaper or newspapers having a circulation in the conservation zone, revise the standards established under the provisions of section 25-102d consistent with the purposes of this chapter. A copy of the proposed revisions to be presented at such public hearing shall be furnished at least fifteen days prior thereto to the conservation commissions, zoning commissions, planning commissions or combined planning and zoning commissions of the towns to be affected thereby.

(P.A. 73-349, S. 6, 11; P.A. 74-103, S. 4, 10; P.A. 79-319, S. 2, 5.)

History: P.A. 74-103 added references to planning and subdivision regulations, clarified which local commissions are involved under section, required that regulations be revised to meet revised standards adopted by Commission, changed time after which actions deemed approved in Subsec. (b) from 65 to 35 days after their submission and added reference to classification of zoning districts by types of land usage and amended Subsec. (c) to require that copies of proposed revisions be supplied to local commissions at least 15 days before hearing is to be held; P.A. 79-319 added provisions in Subsec. (b) re public hearings held when Commission decides to reserve decision for the purpose, set deadline for decision after conclusion of hearing, allowed extensions of deadline and required Commission to publish its decision.

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 25-102h. Action on applications to zoning boards of appeals referred to Connecticut River Gateway Commission. Whenever any zoning board of appeals of a town which has voted to be governed by the provisions of this section and sections 25-102g and 25-102j receives an application with respect to land within the conservation zone, such board shall submit a copy of such application to the Connecticut River Gateway

Commission and the conservation commission of the town within which such land is located not less than ten days prior to the date set for the hearing on such application. Said commission shall review such application to determine if the action requested in such application is adverse to the protection and development of the conservation zone in accordance with the purposes of this chapter and the standards set forth in section 25-102d. In addition to its other powers and duties, the zoning board of appeals shall determine if the action requested in such application is consistent with the purposes of this chapter and the standards set forth in subsection (b) of section 25-102g. Said commission and such conservation commission shall be deemed aggrieved parties at any hearing on any such application before the zoning board of appeals and for the purpose of taking an appeal pursuant to section 8-8.

(P.A. 73-349, S. 7, 11; P.A. 74-103, S. 5, 10; P.A. 79-319, S. 3, 5.)

History: P.A. 74-103 replaced previous provisions re discretionary submission of matters by zoning board of appeals to Commission for advisory opinions with provisions requiring zoning board of appeals to submit applications received concerning land within conservation zone to town conservation commission and Gateway Commission before hearing and setting out role of those commissions in application proceedings; P.A. 79-319 authorized zoning board of appeals to determine if request contained in the application is consistent with purposes of the chapter and standards under Sec. 25-102g.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 25-102i. Appeals from zoning boards of appeals to commission. Section 25-102i is repealed.

(P.A. 73-349, S. 8, 11; P.A. 74-103, S. 9, 10.)

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 25-102j. Withdrawal of town by referendum. Reinstatement by referendum. (a) Any town which has voted to be governed by the provisions of sections 25-102g, 25-102h and this section may, by referendum, vote not to be so governed and, effective six months thereafter, the provisions of said sections shall not apply to such town. Upon the filing of a petition of not less than ten per cent of the voters of such town circulated as provided in section 7-9 and section 7-9a, such referendum shall be held, subject to the provisions of section 7-9b and section 7-9c, at a regular or special town meeting to be held within sixty days after such filing.

(b) Notwithstanding any decision of a town not to be governed by the provisions of sections 25-102g, 25-102h and this section, taken pursuant to subsection (a) of this section, such town may vote to again be so governed by petition and referendum as set forth in subsection (a) of this section.

(P.A. 73-349, S. 9, 11; P.A. 74-103, S. 6, 10.)

History: P.A. 74-103 added Subsec. (b) re subsequent votes.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 25-102k. Uniform Administrative Procedure Act not applicable. The provisions of chapter 54 shall not apply to any procedures to be followed or actions taken pursuant to the provisions of this chapter.

(P.A. 74-103, S. 8, 10.)

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 25-102l. Appeals. Appeals from decisions of the Connecticut River Gateway Commission may be made in the manner provided in section 8-8.

(P.A. 79-319, S. 4, 5.)

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 25-102m. Standards and criteria for private residential docks and piers and management of scenic resources and visual impacts. (a) The Commissioner of Energy and Environmental Protection shall select two harbor management commissions, established pursuant to section 22a-113k, from the member towns of the Connecticut River Gateway Commission, established pursuant to section 25-102e, to jointly recommend standards and criteria for the construction and location of private residential docks and piers and standards and criteria for the management of scenic resources and visual impacts within the limits of navigable waters, as defined in subsection (b) of section 15-3a.

(b) The standards and criteria recommended pursuant to subsection (a) of this section shall be jointly submitted for approval to the Commissioners of Energy and Environmental Protection and Transportation. The commissioners shall approve or reject each recommendation not more than one hundred twenty days after submission.

(c) A harbor management commission established pursuant to section 22a-113k from a member town of the Connecticut River Gateway Commission established pursuant to section 25-102e may adopt any standard or criterion approved pursuant to subsection (b) of this section as part of its harbor management plan adopted pursuant to chapter 444a.

(P.A. 04-183, S. 1; P.A. 11-80, S. 81.)

History: P.A. 04-183 effective June 1, 2004; P.A. 11-80 changed “Commissioner of Environmental Protection” to “Commissioner of Energy and Environmental Protection”, effective July 1, 2011.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Secs. 25-102n to 25-102s. Reserved for future use.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)