



Connecticut

Connecticut Chapter of the American Planning Association

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PLANNING AND DEVELOPMENT COMMITTEE

HB-7040: AN ACT CONCERNING RESUBDIVISIONS AND CLARIFYING THE CONSIDERATION BY PLANNING AND ZONING COMMISSIONS OF INLAND WETLANDS DECISIONS.

OVERVIEW: CCAPA strongly opposes this bill as an erosion of public participation in the local regulatory process that will lead to less confidence in the process, poorer decisions, and more litigation.

SUMMARY: This bill would only allow a municipal planning or planning and zoning commission to hold a public hearing on a subdivision if it were a re-subdivision or if it involved 25 or more lots. It would remove the requirement for a hearing on a re-subdivision. The bill would also specifically prohibit consideration by a planning or planning and zoning commission of any “factors for consideration” under the wetlands statutes and it would establish a procedure for reconciling conditions and requirements of a wetlands agency that are incompatible with a planning or zoning decision.

ANALYSIS: The proposal to prohibit public hearings on subdivisions of fewer than 25 lots is both arbitrary and a reduction of protection of public and private interests. The subdivision of land is permitted of right, if it meets the requisite zoning standards; however, the purpose of public hearings extends beyond the platting of land to ensuring that development designs adequately consider and address site specific concerns. Natural resources, historic and cultural assets, stormwater management, open space designation, street layout, and viewshed and watershed protection are some of the key issues that benefit from public input to the subdivision review process.

Members of the American Institute of Certified Planners are ethically bound to support public participation in the planning and regulatory processes, as detailed in the AICP Code of Ethics:

“Our primary obligation is to serve the public interest and we, therefore, owe our allegiance to a conscientiously attained concept of the public interest that is formulated through continuous and open debate...We shall give people the opportunity to have a meaningful impact on the development of plans and programs that may affect them. Participation should be broad enough to include those who lack formal organization or influence.”

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Arbitrarily forbidding public input to the consideration of development proposals that may have significant community and neighborhood impacts will not serve these key public interest goals.

The proposed bill also would create an unworkable mechanism for pressuring wetlands agencies to revise any conditions that are inconsistent with whatever the applicant can convince the planning commission or zoning commission to accept. This would put unacceptable pressure on the volunteer regulators and opens the door to even more expensive litigation because of vague language. For example, what does “reasonably reconciled by the applicant” mean? Who would chair any such joint meeting? What will happen if the joint meeting cannot resolve inconsistencies?

CCAPA POSITION: CCAPA strongly opposes this bill. These proposals are not in the public interest and should not be considered further by the Planning and Development Committee. There are certainly opportunities for improving the regulatory process; however, reducing public participation, increasing the workload and pressure placed on volunteer boards and commissions, and adding more uncertainty and greater legal exposure will not result in improvement.

As always, CCAPA stands ready to work with the Committee and interested parties in identifying realistic and effective improvements to regulatory procedures. Comprehensive, deliberate, and objective considerations of these and other concepts to improve the land use planning and regulatory processes should properly be an activity lead by the new Office of Responsible Growth, not by piecemeal amendments to long-established statutory standards.