

**2007 Legislative Wrap-Up – Small Plans, But Lots of Stirring**  
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Spend some time in the ant hill known as the legislative office building and you'll understand why we get what we get from our elected representatives. Lobbyists swarm, people protest, legislators hide, and then, like magic, laws get made. The 2007 legislative session epitomized this dynamic, but little of consequence was enacted concerning planning and land use issues.

Brief summaries of planning related legislation are provided below. Additional provisions may be uncovered as the budget implementer bills and late amendments are reviewed.

Responsible Growth

Building on recent legislative actions to improve planning and coordination, bills were proposed to promote "responsible growth" by the Governor and planning and conservation advocates. These included *An Act Concerning Implementing a Process of State-wide Responsible Growth* ([SB 1215](#)) sponsored by 1000 Friends of Connecticut and supported in concept by CCAPA. In the end a compromise bill based on the Governor's proposal, [PA 07-239](#), was the last word. The bill creates a Responsible Growth Task Force (which CCAPA proposed and promoted during the 2006 legislative session), allows regional review of projects with significant regional impact, and instills tighter restrictions on discretionary State funding to towns and state agencies if plans are not updated and kept consistent with statutory growth management principles. It also provides for a State-wide economic development plan and creates a regional performance incentive program, concepts from the 1000 Friends bill. \_

The "Face of Connecticut" bill promoted by a coalition of conservation organizations was substantially altered along the way and [PA 07-131](#) ended up as only some adjustments to the State open space grant formulas and adding a loan program for municipal acquisition of farmland. It remains to be seen what level of funding will be provided for open space generally.

The legislature finally acted on eminent domain reform by tightening up the condemnation process. [PA 07-207](#) requires that towns prepare plans, get legislative body approval, and compensate owners for condemned property. The bill prohibits condemnations for private commercial development and allows condemnations for economic development only under a development statute. However, this bill does not appear to overreact to the rhetoric and posturing on eminent domain to significantly constrain use of eminent domain as a tool for community development and improvement.

[HB 7154](#), developed by the Planning and Development Committee, would have allowed interim changes to the State Plan by OPM without the approval of the Continuing Committee on State Planning and Development. The bill also specified that the text of the State Plan of Conservation and Development must be consistent with the Plan's locational guide map. For consistency with the Plan of Conservation and Development adoption procedures successfully promoted by CCAPA last year, the bill would have removed municipal legislative body endorsement of a Plan of Conservation and Development as a condition of using LoCIP grants to prepare such plans. Unfortunately, the bill was not voted on and CCAPA should work with the Planning and Development Committee next year to revive the concept.

[HB 7221](#) would have allowed regional planning agencies bordering other states to enter into interstate cooperative agreements. It would also allow adjoining towns considering land use applications that involve each town to hold joint reviews, including hearings. The addition of these seemingly logical, and cost-free, tools to effect better planning became bogged down and failed to obtain a final vote in the Senate after passing the House. Maybe next year, but these and other concepts should be considered by

the Responsible Growth Task Force, created by the Governor's Responsible Growth Bill, and incorporated into a comprehensive growth management strategy for the State, RPAs, and municipalities.

After some last minute wrangling, [PA 07-233](#) was adopted to implement the recommendations of the Brownfields Task Force. This bill will likely be a very important step for smart growth strategies in many communities.

Housing issues finally got the legislature's attention, with several bills recognizing the need to provide adequate and affordable housing to protect Connecticut's economic future. The HOME Connecticut proposal for linking the State's housing crises to economic development met with considerable success thanks to the tireless efforts of the HOME Connecticut Steering Committee and its staff and many of the proposed provisions were adopted in the [Budget Implementer Bill](#). CCAPA President Mark Pellegrini served on the Steering Committee, along with Mary Ellen Kowalewski from CRCOG.

### Regulatory Issues

Regrettably, and despite no apparent opposition, the bill championed by CAZEO and CCAPA ([HB 7041](#)) to eliminate the treble damages jeopardy for zoning enforcement officers performing their duty under a municipal zoning violation fining ordinance did not succeed – again.

The legislature apparently missed the irony of another bill, [PA 07-85](#) An Act Concerning the Aquifer Protection Area Program, which authorized a municipal fine for violation of aquifer protection regulations, but included no provision for damages for “frivolous” enforcement. In addition to the municipal fining authorization, this law makes several procedural adjustments to the aquifer protection program that municipal aquifer protection agencies should review.

Adjustments to the subdivision and site development plan approval process were promoted by The Connecticut Homebuilders' Association of Connecticut (HBACT) to require planning and zoning commissions to state on the record the reasons for any terms and conditions that are inconsistent with a wetlands decision, if there is one. More significantly, [PA 07-102](#) prohibits towns from requiring that site development and subdivision applications be approved by inland wetlands agencies before filing with the Zoning, Planning, or Planning and Zoning Commission, as the case may be. This bill originally included a provision removing the regulatory discretion to hold a public hearing on a subdivision proposal. CCAPA testified against that proposal which was removed before the bill progressed to a vote.

Clearing up the confusion created by a misguided court decision (*Jewett City Savings Bank v. Town of Franklin*) that held that a special exception was an enforcement action, [PA 07-60](#) sends special permit and special exception appeals to Superior Court. CCAPA supported this bill proposed by the Connecticut Bar Association Planning and Zoning Law Section.

[PA 07-26](#) allows towns, by ordinance, to adopt a maximum waiting period of 180 days, up from 90 days, before issuing a demolition permit for a building or structure.

[PA 07-182](#) will change the subdivision approval statutes to provide that a subdivision lot can be sold conditionally prior to final approval as long as the final approval does not include conditions unacceptable to the buyer. No sale or marketing of such a lot can occur before conditional approval is granted. This will require revision of any subdivision regulations that reference the previous statutory restrictions on lot sales.

The Connecticut Homebuilders' Association of Connecticut (HBACT) proposal to authorize an alternative organization for municipal land use planning and regulation was considered and passed the Senate but was not acted on in the House. The strictly voluntary concept in [SB 1084](#) would offer another

system for towns to approach their land use responsibilities, ideally in a streamlined and more expeditious manner. We will stay in communication with HBA on this idea and perhaps suggest a joint workshop on the concepts for municipalities and developers.

[HB 7321](#) would have shifted authorization of numerous municipal responsibilities from the Board of Selectmen to the legislative body, unless an ordinance authorizes such action by the Board of Selectmen. The concept included Plan of Conservation and Development adoption, the procedure for which has been painstakingly refined over the past few sessions to ensure a workable and efficient Plan adoption process. CCAPA will need to watch for this to reappear and attempt to fend off at least the Plan of Conservation and Development adoption change.

An effort materialized to send appeals of tree warden decisions to the ZBA, instead of to court. Someone must have annoyed a powerful legislator, because in addition to a bill, the idea came up at least once as an amendment. This will be something to watch for next year in cooperation with the Tree Wardens' Association.

Thanks to the Government Relations Committee members and other CCAPA members for watching legislative progress and alerting us all to developments through this past session. This vigilance will only become more important, and to encourage more involvement in the process, I intend to offer a primer on monitoring legislative activity at the CCAPA Hot Topics seminar scheduled for mid-July. With a little practice, it's quite easy to keep track of bills and issues, communicate with legislators and others, and share information. Hope to see you there.