

HB 2981

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**JOINT
STANDING
COMMITTEE
HEARINGS**

**STATE
DEVELOPMENT**

**CONN.
GENERAL
ASSEMBLY
1959**

Thursday

March 19, 1959

But while I've spent some time talking with the State Development Commission on it and they've been very helpful on it, it doesn't seem to me that it's an action that we ought to take or that I would in good conscience ask you people to take as a committee willy, nilly without looking into it further and having the benefit of further research on it. For that reason I am going to with your permission submit a substitute for this bill which would call upon the State Development Commission to study this problem and report its recommendations and findings to the 1961 Session of the General Assembly.

Rep. Allison, Granby I am at the present time Chairman of the Granby Board of Appeals and have been on that board for the last 13 years and I wish to speak in favor of all the bills. That is 2981, 2982, 2984, 2985, 2986, 2987 and 2989. I hope this will be able to get a favorable report of these bills.

Wilfred Maxwell, Staff Planner for the State of Connecticut Development Commission. The Development Commission acts as secretaria for the Connecticut Federation Of Planning & Zoning Agencies and I have been asked by the Federation to read this prepared statement. I will submit this to you. Just to explain the Federation, this Federation Of Planning & Zoning Agencies was organized in 1948 for the purpose of promoting municipal and regional planning and encouraging the adoption of adequate zoning in order to make such planning in the state effective. Some 170 Connecticut municipal planning and zoning commissions and boards of appeals hold official memberships in the Federation. These commissions and boards numbering some 1,000 officials represent 104 municipalities. At the Federation's legislative meeting in January, it was voted to sponsor this and other bills. This bill is intended to clarify certain sections of the Municipal Planning Commission Enabling Law, Chapter 126 of the 1958 Revision of the General Statutes. It would amend the law in four major areas.

This bill does very little to the planning law other than to clarify things which are not now explicit - particularly, as regards methods of operation and jurisdictional lines. It has the wholehearted support of the Connecticut Federation of Planning and Zoning Agencies and it is hoped that the General Assembly will take favorable action on this bill.

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Also at the Federation Agencies Legislative meeting in January it was voted to sponsor H.B. 2984 (Mr. Keeler) An Act Providing For Official Maps For Municipalities. This particular bill would make it possible for towns, cities and boroughs with Planning Commissions to adopt an official map legally defining streets, parks, playgrounds, school sites or sites for any other public buildings or properties. The planning commission would prepare such a map at the request of the municipality but only after it (the planning commission) had already adopted a major street plan as part of its plan of development. Section 1 of this bill says, "Such map shall be for the express purpose of assuring the people of the municipality the direction of its future growth and shall be based upon the plan of development for the orderly and economic arrangement of land uses within such municipality and the health, safety, and general physical, social and economic welfare of its inhabitants." We feel the general purpose of this bill is much needed. Presently municipalities through their planning commissions may draw plans of developments, major street plans, park and recreation plans, all of which purportedly show the intent of the municipality to acquire and develop land for future use. But that is as far as the local commission can go. This bill will be a step in helping the municipality carry out its plan of development.

Rep. Ward Pinney, Bloomfield I'd like to register in favor of H.B. 3700 (Mr. Pinney) AN ACT CONCERNING LAND ACQUISITION FOR PARK AND RECREATIONAL PURPOSES which would give the towns to take over land which is set aside for flood control to be used for park and recreational purposes. In cases where they see fit to use that authority. There are others here that will go into it more in detail.

Rep. Banner Is there anyone here in favor of H.B. 2981 (Mr. Keeler) AN ACT AMENDING THE MUNICIPAL PLANNING COMMISSION ENABLING LAW? Anyone opposed?

Charles Lodolce, Vice Chairman of the State Council of Home Builders of Connecticut. We have objection to section 1. We feel that the present law is adequately drafted and we feel that these provisions confuse existing laws. We wish to point out that we feel that this does not affect the home building except that we are interested in well drafted planning regulations. We're concerned about section 6 of this bill provides for reasonable fee for the processing of subdivision applications and inspection of subdivision improvements.

We believe that the existing practice is legal. That we are afraid that planning commissions may use this provision to block the whole building industry by the imposition of fees so -- that the builder will have to litigate the matter. The portion of section 6 which eliminates the present words a subdivision plan substitutes any subdivision application or maps and plans submitted therewith is we feel poorly drafted. Many planning regulations do not provide for an application but merely a plan. In my own personal experience, I have found that to be true. We argue that in such cases there is no 60 day limitation on the planning commission. That portion of the bill that provides no building permit shall be issued for the erection of a structure in an unapproved subdivision would eliminate any -- subdivisions a matter of which has been filed prior to the adoption of planning regulations. This would mean that many towns such as in West Hartford, that approval would have to be obtained for whole subdivisions which are presently being developed. This would be a very burdensome provisions. That is our reaction to this bill. Thank you.

Rep. Banner

Anyone else opposed to this bill? We will consider the hearing on H. B. 2981 (Mr. Keeler) AN ACT AMENDING THE MUNICIPAL PLANNING COMMISSION ENABLING LAW closed.

We will open the hearing on H.B. 2982 (Mr. Keeler) AN ACT CONCERNING REGISTRATION OF THE TITLE "REGISTERED COMMUNITY PLANNER." Anyone in favor of this bill? Anyone opposed?

Charles Lodolce, Vice Chairman of the State Council of Home Builders of Connecticut. This bill provides for the registration of the title but does not cut down the range of occupational opportunity for those who are not registered. It seems clear that the purpose of this bill is to close the registered community planner would be --- of professional ---. Thus to eliminate entrance into the field of land use, engineering and land planning. This is a field which thrives on fresh ideas ---. We do not favor any attempt to limit entrance if further objection is that normally professional status is given only to those people who are charged with public trust. A bill is before this legislature for licensing of well drillers. It will not be long if this --- continues before everyone who is intense to engage in occupation will have to be licensed. Licensing is a for runner of regulations and regulation is a for runner of stringent government control. In this field where creative effort is of the

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'57 session. This, I think, now makes it possible for all towns, chartered towns, general act towns and general act and special act towns to operate under home rule. It's a very worthy change in the statutes and I wholeheartedly support it.

THE SPEAKER:

Will you remark further? The Chair recognizes the lady from Stamford.

MRS. MILLS OF STAMFORD:

An amendment to this bill is being prepared. Could this be held over until the amendment is ready?

THE SPEAKER:

The bill will be continued retaining if there is no objection.

THE CLERK:

Page 10 of the Calendar. Calendar Nos. 1493 and 94 are now ready. Calendar No. 1493. File No. 1182. House Bill No. 2981. An Act amending the Municipal Planning Commission Enabling Law. Favorable report of the committee on State Development.

THE SPEAKER:

The Chair recognizes the gentleman from Guilford.

REPRESENTATIVE FROM GUILFORD:

Mr. Speaker, I move for acceptance of the committee's favorable report and passage of the bill.

THE SPEAKER:

Question is on the acceptance of the committee's favorable report and passage of the bill. Will you remark?

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REPRESENTATIVE FROM GUILFORD:

Mr. Speaker, this bill provides for a number of changes in the zoning and municipal planning enabling law covering quite a number of points.

The first section clarifies the definition of the word "subdivision" in Section 8-18 by including the words "parts or" before the word "lots". This is intended to make clear that the subdivision of land does not mean only the cutting up of land into pieces for sale alone.

In section 3 of this law it provides for the establishment of a planning and zoning commission with more than five members. A joint commission under this amendment would consist of five, six, seven, eight, nine or ten members as established in the ordinance setting up a zoning commission.

In Section 8-24 it requires mandatory referrals to the planning commission for a report on action to be taken by municipal agency involving individual projects on town property. It would seem that the major intent is that the referral to be made from an agency but that the report of the planning commission definitely be presented to the legislative body, which body must take final action. Consequently, it is proposed to amend this section of the statutes by making it clear that any report from the planning commission on advisability of a proposed action is given to the legislative body.

It's a good bill and it ought to pass.

The gentleman from Guilford.

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THE SPEAKER: GUILFORD:

Will you remark further? The Chair recognizes the gentleman from Avon.

MR. AUGUST OF AVON:

May this matter be retained?

THE SPEAKER:

If there is no objection, this will be continued retaining.

THE CLERK:

Calendar No. 1494. File No. 1181. Substitute for House Bill No. 2985. An Act amending the Powers of a District under the Home Rule Law. Favorable report of the Committee on State Development.

THE SPEAKER:

The gentleman from Guilford.

MR. ORCUTT OF GUILFORD:

Mr. Speaker, the Clerk has an amendment.

THE SPEAKER:

Will the Clerk please read the amendment?

THE CLERK:

House Amendment Schedule "A".

In section 7, line 9, before "plan" strike out "district". Following "plan", insert "for subdivision wholly or partially within a district".

THE SPEAKER:

The gentleman from Guilford.

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5565-6111

Tuesday, June 2, 1959

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amount of the interest of the deceased. Limited to the amount of the deceased's interest. In other words, if there were two people having a survivorship account it would be limited to one-half of the account. Its a good Bill and I urge its passage.

THE SPEAKER:

Will you remark further. If not, the question is on the Acceptance of the Committee's Favorable Report and Passage of the Bill. All those in favor say 'aye'. Those opposed 'no'. The 'ayes' have it. The Bill is passed.

THE CLERK:

Calendar No. 1493. File No. 1182. House Bill No.2981.
An Act amending the Municipal Planning Commission Enabling Law.
Committee on State Development.

THE SPEAKER:

The gentleman from Guilford.

MR. ORCUTT OF Guilford.

Mr. Speaker. The Clerk has an Amendment.

THE CLERK:

House Amendment Schedule "A".

Section 1 line 7, strike out the italicized portion.

Section 6, line 5. strike out "reasonable"; in line 6, after the word "improvements", insert "the minimum fee to be twenty-five dollars for each application and the maximum to be two dollars for each lot within the planned subdivision."

In lines 23 and 24, strike out the sentence beginning with the word "No".

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THE SPEAKER:

The gentleman from Guilford.

MR. ORCUTT OF GUILFORD:

I move the Adoption of House Amendment Schedule "A".

THE SPEAKER:

The question is on the Adoption of House Amendment Schedule "A". Will you remark.

MR. ORCUTT OF GUILFORD:

Mr. Speaker, this Amendment eliminates the objections to this Bill that have come from both sides, and moves the Adoption of House Amendment Schedule "A".

THE SPEAKER:

The question is on the Adoption of House Amendment Schedule "A". Will you remark further. **If** not, all in favor say 'aye'. Opposed 'no'. The 'ayes' have it. The Amendment is Adopted. Will the gentleman waive the printing.

CLERK:

ORDER OF THE DAY FOR 12:30, June 2nd. Page 5 of the Calendar No. 1550. File No. 1171. Substitute for House Bill No. 3185. An Act concerning Salaries of Judges and Entry Fees. Committee on Judiciary and Governmental Functions.

THE SPEAKER:

The gentleman from West Hartford.

MR. SHOLANSKY OF WEST HARTFORD:

Mr. Speaker, I move the Acceptance of the Committee's Favorable Report and Passage of the Bill.

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THE CLERK:

Earlier today on the last item on page 3, Calendar No. 1493, ^{HOUSE # 3981} we adopted House Amendment Schedule "A". The matter was referred to the Legislative Commissioner and has now been returned with his approval.

THE SPEAKER:

The Chair recognizes the gentleman from Guilford.

MR. ORCUTT OF GUILFORD:

Mr. Speaker, I move for Acceptance of the Committee's Favorable Report and Passage of the Bill as Amended by House Amendment Schedule "A".

THE SPEAKER:

The question is on the Acceptance of the Committee's Favorable Report and Passage of the Bill as Amended by House Amendment Schedule "A". Will you remark.

MR. ORCUTT OF GUILFORD:

This Bill makes certain technical changes in the Planning Enabling Law. It has been gone over very carefully by your Committee. It is their unanimous opinion that this Bill ought to pass and I move for the Passage of this Bill.

THE SPEAKER:

Will you remark further. The question is on Passage OF the Bill as Amended by House Amendment Schedule "A". All those in favor say 'aye'. Opposed 'no'. The 'ayes' have it. The Bill is passed.

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Will you remark further? If not, all those in favor will signify by saying "aye", those opposed "no". The "ayes" have it. The bill is ordered passed.

THE CLERK:

Calendar No. 1860. File No. 1182. House Bill No. 2981. An Act amending the Municipal Planning Commission Enabling Law.

House Amendment Schedule "A" adopted June 2, 1959.

Favorable report of the Committee on State Development.

SENATOR BURNS:

Mr. President....

THE CHAIR:

Senator from the 30th.

SENATOR BURNS:

I move the acceptance of the committee's favorable report and passage of the bill as amended.

THE CHAIR:

The question is on the acceptance of the committee's favorable report and passage of the bill as amended. Will you remark?

SENATOR BURNS:

Mr. President, this law will make certain technical changes in the municipal planning commission enabling law. The changes were recommended to the state development committee by the state development commission in the Connecticut Planning and Zoning Agencies. The changes are indicated in the act and are quite lengthy. As I indicated before, they are technical of nature. However, I would like to explain what the nature of House Amendment Schedule "A"

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is. I have a copy that was sent up from the House and that is; in section 1, line 7, since the amendment has not been printed; section 1, line 7, strike the italicized portion and in section 6, line 5, strike out the word "reasonably" and line 6, strike out the word, after the word "improvements" insert the following amendment: to be twenty-five dollars for each application and the maximum to be two dollars for each one in the plan of subdivision. In the same section, lines 23 and 24, strike out the sentence beginning with the word "no". So that in line, section 6, that would strike out the provision which would present the issuance of a building permit for the erection of a structure in an unapproved subdivision. I move the passage of the bill.

THE CHAIR:

The question is on the acceptance of the committee's favorable report and passage of the bill as amended. Will you remark further? If not, all those in favor will signify by saying "aye", those opposed "no". The "ayes" have it. The bill is ordered passed as amended.

THE CLERK:

Calendar No. 1861. File No. 1183. House Bill No. 2989. An Act concerning Amending the Zoning Enabling Law.

Favorable report of the Committee on State Development.

SENATOR BURNS:

Mr. President....

THE CHAIR:

Senator from the 30th.

SENATOR BURNS: