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CONNECTICUT
GENERAL ASSEMBLY

HOUSE

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1963

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Tuesday May 14, 1963

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MR. DUDA (Griswold)

DMS

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

THE SPEAKER:

The question is on acceptance and passage. Will you remark?

MR. DUDA (Griswold)

Mr. Speaker, this bill concerns the submission of proposed plans before a Zoning Commission or the Municipal agency which passes on acceptance of subdivision. The bill will alter the present law and it will require the Zoning Commission or Municipal agency to give notice of its decision. It will give notice in two ways, one by registered mail to the applicant and two by putting a notice in a newspaper. The purpose of this bill is to protect the applicant in any agreed parties the right of appeal. Under our present law the applicant must appeal a decision of such commission 15 days after rendering that decision. Circumstances have arisen where the decision was not known by the applicant or other agreed party. This will protect the right of appeal and change the law to require the 15 day appeal period to run from the time of giving of the notice. In order to cover this extra cost we have written an extra cost of the fee from 2 to 3 dollars. This is a good bill and I urge its passage.

THE SPEAKER: J. Tyler Patterson Jr. is back in the Chair.

Will you remark further? If not the question is on acceptance and passage. Will all in favor say aye? Opposed nay. The bill is passed.

THE CLERK:

Calendar N34. File No. 515. House Bill No. 3398. An act concerning Referral of Municipal Improvements to Planning Commissions. Favorable report joint committee on General Law.

Tuesday May 14, 1963

60

MR. DUDA (Griswold)

DMS

Mr. Speaker, I move for the acceptance of the joint committees favorable report and the passage of the bill.

THE SPEAKER:

Question is on acceptance and passage. Will you remark?

MR. DUDA (Griswold)

Mr. Speaker, this bill will change the existing law concerning the referral of municipal improvements by agencies to the Planning Commission by clearing up what has been an ambiguity in the law. Present law apparently requires that any suggested municipal improvement be immediately transferred to the zoning commission or the planning commission rather for a report. Now this bill will change the law and permit the agency from which the original idea has arisen to further consider the proposal and to transfer it to the planning commission only for final approval. This will create some flexibility in considering any improvement by the agency. This is a good bill and should pass.

THE SPEAKER:

Question is on the passage of the bill. Will all in favor say aye. Opposed nay. The bill is passed.

THE CLERK:

Calendar. No. 437 File No. 561. Substitute for House Bill No. 4527. An act defining Grocery store for purposes of the Liquor Control Act. Favorable report joint committee on Liquor Control.

MR. LATER (Whetherfield)

Mr. Speaker, I move the acceptance of the committees favorable report and the passage of the bill.

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CONNECTICUT
GENERAL ASSEMBLY

SENATE

PROCEEDINGS

1963

VOL. 10, PART 9

JUNE 4 - JUNE 5

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June 5, 1963

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Further remarks? All in favor say "aye", "opposed".

Passed.

SENATOR GLADSTONE:

Mr. President...

THE CHAIR:

Senator from the 22nd.

SENATOR GLADSTONE:

On page twenty-five of the Calendar, may Calendar No. 646 be taken off the foot of the Calendar?

THE CHAIR:

Calendar No. 646 will be taken off the foot of the Calendar. All in favor say "aye", "opposed".

THE CLERK:

Calendar No. 646. File No. 515. House Bill No. 3398.

An act concerning referral of municipal improvements to Planning Commission.

Favorable report of the Joint Committee on General Law.

SENATOR ALFANO:

Mr. President...

THE CHAIR:

Senator from the 7th.

SENATOR ALFANO:

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

THE CHAIR:

Any remarks?

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SENATOR ALFANO:

Mr. President, this bill changes the existing statute by making it clearer so far as the town approving municipal improvements. The existing law no action can be taken by the municipal authority till the Zoning and Planning Commission has approved the action. Now, at least, a study can be made and no final action be taken by the town. I move that this bill be passed.

THE CHAIR:

Further remarks? All in favor say "aye", "opposed".

Passed.

SENATOR GLADSTONE:

Mr. President...

THE CHAIR:

Senator from the 22nd.

SENATOR GLADSTONE:

On page twenty-five of the Calendar, may Calendar No. 718 be taken off the foot of the Calendar?

THE CHAIR:

All in favor of taking Calendar No. 718 off the foot of the Calendar say "aye", "opposed". Off the foot of the Calendar.

THE CLERK:

Calendar No. 718. File No. 602. Substitute for House Bill No. 2950. An act concerning classification of towns for public health nursing grants.

JOINT
STANDING
COMMITTEE
HEARINGS

GENERAL LAW

PART 2

331 - 691

CONN.
GENERAL
ASSEMBLY
1963

GENERAL LAW - 2:00 p.m.

FEBRUARY 27, 1963

it seems to me it would be desirable if that language were introduced. Thank you.

Chairman Spiegel: Is there anybody in opposition to bills H.B. 3394 or H.B. 3395? If not, we will close the hearing.

I think we have already closed the hearing on H.B. 3664. (Rep. Murren) AN ACT CONCERNING POWERS OF ZONING BOARDS OF APPEALS.

We will now open the hearing on H.B. 3677.

H.B. 3677 (Rep. Frate) CONDEMNING AUTHORITY TO OBTAIN ZONING VARIANCE FOR PORTION OF PROPERTY NOT TAKEN.

(Unidentified voice) Mr. Chairman, did we have a hearing on H.B. 3398?

Chairman Spiegel: H.B. 3398. I don't have a copy of that. I understand that bill was missing. Yes, we will take it, and if you will bring us a copy - you have a copy? If you could just give us a brief synopsis of what the bill provides, and then you can tell us whether you are in favor or in opposition?

H.B. 3398 (Rep. Orcutt) AN ACT CONCERNING REFERRAL OF MUNICIPAL IMPROVEMENTS TO PLANNING COMMISSIONS.

Chairman Spiegel: In a very brief synopsis, you can't do a lot of things unless you first refer them to a commission for a report, the planning commission. The Statement of Purpose says "to remove such ambiguity as may exist as to what a legislative body or municipal agency may do before referral to the planning commission."

Thomas Byrne, Connecticut Federation of Planning and Zoning Agencies: This bill concerns Section 8-24 of the General Statutes. Section 8-24 presently reads that "no action shall be taken by any municipal agency or legislative body on any proposal involving location except when it is to abandon, widen, or extension of street." It goes on to name parks and playgrounds, etc.

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What the bill provides now is that the zoning authority should take no action on laying out streets. The planning commission - no municipal agency should take any action in laying out streets, etc., until it has been referred to the planning commission for a report. It has been a problem here as to what, if anything, a local planning commission could do before they came within the confines of this prohibition. They did not know whether "no action" meant that they could not even start to draw up proposed plans, etc. for it, or put a line on a piece of paper, or just what they could do before they were required to refer this to the planning commission.

What we have attempted to do is not to change the subject, - the substance - of this act at all. I think the substance of it will be the same. The purpose of it is to clarify just what action an agency could take, and what we have done is - instead of saying that no action shall be taken involving the location, etc. of a street, we have just said that no municipal agency shall locate a street for one - I don't know whether you can see that distinction or not.

In the first place, the way the statute reads now, it says, "No action shall be taken involving the location of a street." Does that mean, for instance that the planning commission couldn't start to draw up preliminary plans as to where this street should be laid out, etc? Is that action? And if that is action, then perhaps it is prohibited by Section 8-24. If we make this change, it says that "the planning commission shall not locate the street until it has been referred", and it has that little difference there to avoid this possible ambiguity that has arisen in the past. I, myself, am not sure how much of a problem it has been. I just know that certain planning commissions have raised this - whether they have been called down for it by the town manager or the mayor or not, I don't

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know, but they do feel that it would save them embarrassment perhaps at some given future date if this language were switched around a little bit, - substance the same. Thank you.

Chairman Spiegel: Is there anybody else in favor?

Samuel Fine, Norwalk, Conn.: I think I might expand on what Tom has stated for clarification purposes. Some municipalities which have been using the mandatory referral have been faced with the problem that in order to make a study, say the legislative body or any committee of the legislative body, in order to make a study for a specific plan say for a new municipal dock, they would have to authorize a firm to undertake the study and spend a certain amount of money to prepare this study. The way the bill reads now is that nobody can undertake this study until it has been referred to the planning commission for report. The planning commission cannot make such a finding until it sees what the study consists of. This way, the way it is now rewritten, it would at least give any agency in the municipality a chance to move ahead and make certain findings and spend money, and then when they have their report, and submit it to the planning commission, the planning commission can then evaluate it. Previously, many of the agencies felt they could not move unless the planning commission said "Go ahead and make the study". Thank you.

Chairman Spiegel: Is there anybody else in favor? Is there anybody in opposition? We will close the hearing on H.B. 3398. I think we have closed the hearing on H.B. 3664.

We will now take up H.B. 3677.

H.B. 3677 (Rep. Frate) AN ACT CONCERNIN G AUTHORITY TO OBTAIN ZONING VARIANCE FOR PORTION OF PROPERTY NOT TAKEN.

Chairman Spiegel: And it would seem logical to also consider H.B. 3681.