

Legislative History for Connecticut Act

HB 759 PA 221 ~~PA 221~~ 1967
Scan

Senate 1226-1227 (2)

House 2128-2131 (4)

General Law 1713-1718 (6)

LAW/LEGISLATIVE REFERENCE
DO NOT REMOVE FROM LIBRARY

total - 12 p.

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
and House of Representatives Proceedings

Connecticut State Library

Compiled 2016

S-65

CONNECTICUT
GENERAL ASSEMBLY

SENATE

PROCEEDINGS

1967

VOL. 12

PART 3

1015 - 1565

it is irrelevant, and should be prepared by Districts. I move for passage.

THE CHAIR:

All those in favor of acceptance of the committee's favorable report and passage of the bill indicate by saying, "aye". Opposed. Bill is passed.

CLERK:

Cal. No. 679 File No. 544. Favorable report of the Joint Committee on General Law. House Bill No. 3085, An Act Concerning Dental Hygienists.

SENATOR FAULISO:

Mr. President, I move acceptance of the committee's favorable report and passage of the bill. This clarifies the law that a dental hygienist may operate in any office of a licensed dentist, provided she is under the general direction of a licensed dentist. It changes the word supervision to direction, and they believe this language is best suited for this purpose. I move for passage.

THE CHAIR:

All those in favor of the committee's favorable report and passage of the bill indicate by saying, "aye". Opposed? The bill is passed.

CLERK:

Cal. No. 680 File No. 545 Favorable report of the Joint Committee on General Law. House Bill No. 4759. An Act Concerning the Definition of Resubdivision.

SENATOR FAULISO:

Mr. President, I move acceptance of the Committee's favorable report and passage of the bill. This provides that the diminishing of a lot merely to adjust boundaries without the creation of a new lot shall not be construed to be a resubdivision. I move for passage.

THE CHAIR:

All those in favor of the acceptance of the Committee's favorable report

Page 31

May 18, 1967

and passage of the bill, indicate by saying, "aye". Opposed? Bill is passed.

CLERK:

Cal. No. 683 File No. 525 Favorable report of the joint committee on Judiciary and Governmental Functions. House Bill No. 2479. An Act Concerning Guardianship of the Estate of a Minor.

SENATOR JACKSON:

Mr. President, I move acceptance of the Committee's favorable report and passage of the bill. This bill merely increases from 3,000 to 5,000 dollars the maximum amount of property, which may be received by the parent or the guardian, without the necessity of being appointed guardian of the estate of such minor in the probate court. It sort of reflects inflationary trend and also it desires to simplify the administration of small guardianship accounts. This is a good bill and it ought to pass.

THE CHAIR:

All those in favor of the committee's favorable report and passage of the bill, indicate by saying, "aye". Opposed? The bill is passed.

CLERK:

Cal. No. 684. File No. 523 Favorable report of the Joint Committee on Judiciary and Governmental Functions. House Bill No. 2748. An Act Concerning Disposition of Cases Pending Before a Judge Who Is Retired for a Disability, Dies or Resigns.

SENATOR JACKSON:

Mr. President, I move for acceptance of the Joint Committee's favorable report and passage of the bill. This clears up a gap in our present statutes. The present statute only provides for the contingency where the Judge does not able because of the lapse of his term from carrying through with a court

H-88

CONNECTICUT
GENERAL ASSEMBLY

HOUSE

PROCEEDINGS

1967

VOL. 12

PART 5

1719 - 2193

Monday, May 15, 1967

47.

present at the time when the hygienists is working but merely operating under his direction instead of his direct supervision, I think it is a good change.

mbs

MR. SPEAKER:

Will you remark further? All those in favor signify by saying Aye, all those opposed. The bill is passed.

THE CLERK:

Page 8 of the calendar, calendar 480. House Bill 4759. An Act concerning the definition of Resubdivision. Favorable report of the committee on General Law. file 545.

A. LUCILLE MATARESE, 3rd DISTRICT:

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

MR. SPEAKER:

Question is on acceptance and passage of the bill.

A. LUCILLE MATARESE, 3rd DISTRICT:

Mr. Speaker, the Clerk has an amendment.

THE CLERK:

This is House Amendment Schedule A offered by Rep. Matarese of the 3rd District, in Line 14, delete the words "a new" and insert in lieu thereof the words "an additional building"

MATARESE, A. LUCILLE, 3rd DISTRICT:

Mr. Speaker, this amendment is merely for the purpose of clarifying the language in the proposed bill. The language now refers to the creation of a new lot, it is vague, and the change is to make it read an additional building lot which was the original intent. It is a technical amendment and I move its

Monday, May 15, 1967.

48.

passage.

mbs

ROBERT S. ORCUTT, 100th DISTRICT:

Mr. Speaker, will the Clerk re-read that amendment?

"THE CLERK"

The amendment is as follows: In line 14, delete the words "a new" and insert in lieu thereof the words "an additional building" so that it should read as follows, Line 14, shown thereof and creates an additional building lot.

NICHOLAS A. LENGE, 13th DISTRICT:

Mr. Speaker, I rise to support the amendment. It clarifies what would otherwise be ambiguous language. I think it is a good amendment.

MR. SPEAKER:

Will you remark further on the amendmnt? All those in favor of passage of the amendment signify by saying Aye. Opposed. The amendment is passed.

A. LUCILLE MATARESE, 3rd DISTRICT:

Mr. Speaker, I now move passage of the joint committee's favorable report and of the bill as amended by Schedule A.

MR. SPEAKER:

The Chair rules that the amendment is technical and does not have to be referred to the legislative commissioner's office. We will now act on the passage of the bill as amended. Will you remark?

A. LUCILLE MATARESE, 3rd DISTRICT:

Mr. Speaker, this bills amends Sec.8-18 insofar as the definition of resubdivision is concerned. This statute defines what constitutes a subdivision and resubdivision of land. So as

Monday, May 15, 1967

49.

to require approval by a town plan commission. Anything that is within the scope or meaning of a definition subdivision or resubdivision must be submitted upon application for approval to the planning commission. Under the present law once you have an approved subdivision on file in the town clerk's office after any one of the lots thereon have been conveyed any change which would diminish the size of any lot would automatically constitute a resubdivision and would require an application for approval to be filed. In effect, this means that once a subdivision of lots has been approved and some or all of the lots have been sold, if at this point the individual owners of two adjoining lots want to straighten out a boundary line or wanted to sell the other owner 2 ft. or 5 ft. of his lot, under the present law this would be a resubdivision. Since it would result in the diminishing size of the lot even though there be no zoning violation resulting therefrom and the parties would be required to file an application with the town planning commission and go through the whole procedure exactly as though it were a new subdivision in the first instance. This can result in an expenditure of considerable money insofar as the parties themselves are concerned and can further result in an expenditure of considerable exact time and an additional burden so far as the town plan commission is concerned. So long as no zoning violation results it would seem to be a needless exercise to require the parties in these instances to appear for approval again. Under the proposed bill a resubdivision would exist in these instances only where the change diminishes the size of the lot and thereby creates an additional building

mbs

Monday, May 15, 1967

50.

lot. This would allow adjoining zoners to straighten out boundary lines if desired. It would not excuse zoning violation in these instances they would still have to apply for a special exception or a variance to the zoning board of appeals. It is a fair bill and a good bill, Mr. Speaker, I would therefore move its passage.

mbs

MR. SPEAKER:

Would you remark further? The question is on the acceptance of the committee's joint favorable report and passage of the bill as amended by House Amendment Schedule A.. All those in favor signify by saying Aye, all those opposed. The bill is passed.

THE CLERK:

Calendar 481. Sub. for House Bill 5095. An Act concerning Sale Prices Designated on Goods. Favorable report of the committee on General Law, file 546.

HOWARD A. NEWMAN, 146th DISTRICT:

Mr. Speaker, I move for the acceptance of the joint committee favorable report and passage of the Sub. for House Bill 5095.

MR. SPEAKER:

Question is on the acceptance of the committee's joint favorable report and passage of the bill.

HOWARD A. NEWMAN, 146th DISTRICT:

Mr. Speaker, this is a bill aimed at untrue, deceptive or misleading offers for sale or advertising the offering for sale of merchandise of which there is a manufacturers special offer of so many cents off the regular price of the merchandise. For instance, who of us has not gone into a market and seen a package

JOINT
STANDING
COMMITTEE
HEARINGS

GENERAL LAW
PART 6
1606-1935

1967

44.
MCW

1713

GENERAL LAW - SUB-COMMITTEE NO. 3

THURSDAY A.M.

APRIL 6, 1967

Rep. Neiditz: I would agree, Mssrs. O'Neill and Lavery to raise in Committee before the 11th of April.

Rep. O'Neill: Thank you, Mr. Chairman.

Rep. Neiditz: Senator Caldwell -

Senator J. Edward Caldwell of the 23rd District: Very briefly, Mr. Chairman, I'd like to return to S.B. No. 1878 (Sen. Caldwell) AN ACT CONCERNING AUTOMOBILE JUNK YARDS, introduced by myself.

I'd like to leave with the Committee a short note sent to me by Mayor Hugh Curran, Mayor of the City of Bridgeport, wherein he says, "Enclosed you will find a copy of a bill concerning automobile junk yards. We are very interested in having this bill passed, since it would help us with the removal of these cars, abandoned cars. Thanking you for your kind attention to this request."

I'd just like to point out that during the past interim during the last session, I was on a sub-committee of the Legislative Council that investigated this very problem. And anything that will alleviate the condition would be helpful.

And I do think that this bill, at least as far as the City of Bridgeport is concerned, would be a constructive step in the right direction.

Rep. Neiditz: Thank you, Senator.

I'd like now to turn to -

Anyone else wish to be heard on H.B. No. 4452 (Rep. O'Neill) AN ACT CONCERNING PROVIDING FOR LICENSING LESSORS OF DWELLING UNITS? For it or against it?

I'll declare the hearing closed on that.

I want to now go to H.B. No. 4759 (Rep. Matarese) AN ACT CONCERNING DEFINITION OF RESUBDIVISION.

Rep. Lucille Matarese of the 3rd District: Mr. Chairman, Lucille Matarese of the 3rd District. Thank you for letting me speak at this time.

45.
MCW

1714

GENERAL LAW - SUB-COMMITTEE NO. 3

THURSDAY A.M.

APRIL 6, 1967

Rep. Matarese: Very briefly, I would like to speak strongly in support of H.B. No. 4759 (Rep. Matarese)
AN ACT CONCERNING DEFINITION OF RESUBDIVISION.

Now, as you may know, a sub-division is where you have a dividing of any tract of land into three or more lots. And when you have a sub-division, the party so sub-dividing the land is required to go before the Town Planning Commission for approval.

Now, included within the definition of sub-division is the word, "re-sub-division", and under re-sub-division, where you - where once you have a sub-division of property, and if any one of the lots, and this could be in a development of a hundred or a hundred and fifty lots, if any one of the lots thereafter is diminished to change the lot line, this means that if an owner of lots one and two had a diagonal line or a boundary line that wasn't quite straight, and they merely wanted to straighten it out, they - it would be, under our law, a re-sub-division. It would be considered a re-sub-division and they in turn would have to before - go before the Town Planning Commission for permission to do this. And they would also be required to file a new plot plan with the town clerk's office.

I don't think it ever was the legislative intent of the act to include any small change in the boundary of a lot, within the terms of "sub-division," and for this reason, I have proposed an amendment which would mean, in effect, that if any lot is diminished in size, whereby you create a new lot, then it would be considered a re-sub-division and they would have to go before the Town Planning Commission for approval on it. We run into problems where people have tried to straighten out boundary lines in various towns, and where under this statute they have been required to go through the whole procedure as they would for a sub-division.

I think that this would clarify the law. My impression is that as long as there is not a - as

46.
MCW

1215

GENERAL LAW - SUB-COMMITTEE NO. 3

THURSDAY A.M.

APRIL 6, 1967

Rep. Matarese: long as there would be no violation of any existing zoning ordinance, or regulation by changing the lot size, that it would be unnecessary to require them to go before the Town Planning Commission.

Thank you.

Yes, Tom.

Rep. Byrne: Are you familiar with the bill that Representative (Inaudible) introduced?

Rep. Matarese: I haven't read the bill. I know she's introduced a bill. I've seen a bill that I think Senator Buckley has introduced. And on that one I would raise questions, because his bill would make it diminishing the size of any three lots or more. This - particularly if you're title searching in a development, it would cause a tremendous burden, not only upon the title searcher, but upon the landowners, to find out when you come to the point of being over three lots. So that the fourth man in line would be required to go before the Town Planning Commission.

I don't think that you're in a situation where you are affecting a sub-division as such. If "A" buys lots one and two and "B" buys lot three, if "A" wants to sell off ten feet of one of his lots, and there's no zoning violation incurred, and it's not a new building lot, I don't think you're affecting a sub-division in such a way that the Town Planning would want to get involved to approve of it, or disapprove of it, and go through the process of requiring a new map.

Rep. Byrne: I think Representative Thornton's bill was directed at the same area -

Rep. Matarese: I think Representative Thornton's is, because Glastonbury is one of the towns where they have been requiring them to go before the Town Planning Commission.

Rep. Byrne: Her bill, I believe, doesn't go quite as far as yours. You wouldn't have a re-sub-division unless you created a new lot. I think her bill would allow this moving of boundary lines, as long as your lot

47.
MCW

1216

GENERAL LAW - SUB-COMMITTEE NO. 3

THURSDAY A.M.

APRIL 6, 1967

Rep. Byrne: sizes were still conforming with the local zoning regulations.

Rep. Matarese: Well, in effect, doesn't this do the same thing.

Rep. Byrne: You're creating a new lot, perhaps. This may or may not be the problem, I don't know.

Rep. Matarese: I'll take a look at it.

Rep. Lavery: I have a question. Representative Lavery of the Committee. The only question I have is if a lot size is changed, and no new lot is created, just the lot size is changed, say five feet are changed on a lot, how would you - how would - how in the chain of title, would you find that change, that five feet change for the description? In other words, they put on another map, which isn't approved by the Zoning Board of Appeals, (inaudible) on the Land Records and they don't file maps on all the Land Records.

Rep. Matarese: Well, by grantor and grantee. You would pick out the deed into the person or out of the person. So that it is a matter of record. The only thing you are doing-the only thing you are not doing is to require Town Plan - you're saying that it isn't a new sub-division and I don't think that it's necessary to go through the process if someone wants to sell off five feet, so long as he isn't creating a zoning violation to require him to go before the Town Planning Commission and file a new map, and have a new survey.

Rep. Lavery: (Inaudible) map's filed, just a deed.

Rep. Matarese: Right.

Thank you.

Rep. Neiditz: Thank you.

Anyone else wishing to be heard on this bill?
H.B. No. 4759 (Rep. Matarese) AN ACT CONCERNING
DEFINITION OF RESUBDIVISION.

In favor of it?

Anyone opposed?

48.
MCW

1212

GENERAL LAW - SUB-COMMITTEE NO. 3

THURSDAY A.M.

APRIL 6, 1967

Mrs. Alton C. Elterich of Trumbull Conservation Commission: I'm Mrs. Alton C. Elterick of the Trumbull Conservation Commissioner.

I have been in the practice of attending all of our Planning and Zoning Commission meetings.

Of course, here we have a situation where you want to say a property owner may sell five feet or ten feet. However, this is a recorded map, and the sub-division is approved. You have your lot size and lines. You have your drainage areas. You have everything coincided. It's approved, stamped and filed.

Now, anyone that buys a lot, would then comply with that sub-division. However, I cannot understand where this would be a subsequent consideration of changing a lot line for any reason between two neighbors, without coming to someone's attention.

In our town, we do not need to go into a - we do have to bring to the attention of the Planning Commissioner. Say the developer had three lots left and he (inaudible) to get the three lots in order to re-arrange them to a more satisfactory position and condition because of drainage or a spring or something; he wants to slightly re-arrange them as to the boundary line. This he comes in to the Planning and Zoning Commission and puts it on the agenda and it's scheduled for a regular hearing with a new map, as to how he is going to pick these three lots up and re-arrange them. So that it would provide for the best protection, drainage facilities and land use.

And I don't understand this business of selling. At what point do you sell? After the house is built? During the house is built? You will vary the size of the lot, and it might affect the zone, where one lot gets four-fifths of an acre and the other one gets nine-tenths of an acre. Whereas it should be - the both should be the same size in the same zone.

This has to be taken into consideration whether it is for the effect of privacy, or just for the - for desire, or whether it's for facilities of drainage, or whatever, the Planning Commission would recommend and should know about it.

49.
MCW

1218

GENERAL LAW - SUB-COMMITTEE NO. 3

THURSDAY A.M.

APRIL 6, 1967

Mrs. Elterich: Thank you.

Rep. Neiditz: Thank you.

Anyone else to speak or wish to be heard, for or against this bill?

If not, we'll declare the hearing closed.

We'll take up H.B. No. 4764 (Rep. Axelrod) AN ACT CONCERNING RIGHT OF ZONING COMMISSIONS TO REGULATE MOBILE PARK ESTABLISHMENT.

Anyone wish to be heard in favor of it?

Excuse me, I missed a couple of them.

Is anyone here on H.B. No. 4369 (Rep. Brown) AN ACT CONCERNING MUNICIPAL FAIR RENT COMMISSIONS?

Is anyone here on H.B. No. 4444 (Rep. Gagliardi) AN ACT CONCERNING CONVEYANCE AND TRANSFER OF ESTATES, RIGHTS AND INTERESTS IN AIR SPACE?

Well, I'll declare the hearing closed on 4369, inasmuch as there is no one here. We'll take written communication from Representative Brown, if he cares to make one.

Now, 4444, does anyone wish to speak in favor?

George Wheeler, First Vice President of The Connecticut Assessors Association: Mr. Chairman, members of the Committee, my name is George Wheeler and I am the First Vice President of the Connecticut Assessors Association and I am also the Chairman of the Legislative Committee.

We have submitted letters to the Committee dated March 14, 1967 on this particular bill. The Association is interested in this bill which has to do with the conveyance and taxation of air space.

This bill would grant the municipality the right to sell and tax air space above the expressways, streets, railroads and right of ways. And it may well be that the superhighways being built around