

Legislative History for Connecticut Act

HB 6285	PA 77-450	(Scanned) FAX	1977
House	2511-2515		(5)
Senate	2767-2769		(5)
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Gen. Law	477, 503		(2)
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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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Joint Standing Committee hearings, General Law. 1977:pt.2

Proceedings / Connecticut General Assembly, House. 1977 v.20:pt.6

Proceedings / Connecticut General Assembly, Senate. 1977 v.20:pt.7., p.2767-2769

Proceedings / Connecticut General Assembly, Senate. 1979 v.22:pt.8., p.2999-3000

House of Representatives

Tuesday, May 3, 1977

61  
djh

MR. MOTTO (2nd):

Mr. Speaker, may I be cast in the negative rather.

THE SPEAKER:

Rep. Motto in the negative.

MR. RITTER (6th):

Mr. Speaker, I'd like to be recorded in the affirmative.

THE DEPUTY SPEAKER:

Rep. Ritter from the 6th district recorded in the affirmative.

The Clerk please announce the tally.

THE CLERK:

Total Number Voting.....	143
Necessary for Passage.....	72
Those Voting Yea.....	22
Those Voting Nay.....	121
Those Absent and Not Voting.....	8

THE DEPUTY SPEAKER:

The bill FAILS.

THE CLERK:

Calendar No. 749, substitute for H.B. No. 7982, File No. 632,

An Act Concerning Occupational Safety and Health.

MR. O'NEILL (34th):

Mr. Speaker, may that item be passed retaining its place.

THE DEPUTY SPEAKER:

You've heard the motion. Any objections to the motion? So  
ordered.

THE CLERK:

Calendar No. 751, substitute for H.B. No. 6285, File No. 636,

An Act Concerning Time Limits for Hearings and Decisions in Planning and

Zoning Matters, favorable report of the Committee on General Law.

MRS. POLINSKY (38th):

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

THE DEPUTY SPEAKER:

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

MRS. POLINSKY (38th):

Mr. Speaker, the Clerk has an amendment, LCO 8432 and I would like permission to summarize the amendment.

THE DEPUTY SPEAKER:

The Clerk has LCO 8432 designated House Amendment Schedule "A". Will the Clerk please call.

THE CLERK:

House Amendment Schedule "A", LCO 8432 offered by Rep. Polinsky, 38th district, Rep. Barnes, 21st district.

THE DEPUTY SPEAKER:

Is there any objection to the representative from the 38th district summarizing the amendment? Any objection? Please proceed.

MRS. POLINSKY (38th):

In summarizing this bill, Mr. Speaker, I'd like to say that the purpose of this amendment is to clarify further and to avoid any possibility of ambiguous language in the proposed bill. In brief, this amendment more clearly states the thirty day period is allowed for a multi-session public hearing. This amendment also more clearly defines the official date of receipt of an application, request or appeal.

Mr. Speaker, I move adoption of this amendment.

House of Representatives

Tuesday, May 3, 1977

63  
djh

THE DEPUTY SPEAKER:

Question is on adoption of House Amendment Schedule "A". Will you remark further on the amendment? Will you remark further? If not, all those in favor signify by saying aye. Those opposed? House "A" is ADOPTED.

Will you remark further on the bill as amended by House Amendment Schedule "A"?

MRS. POLINSKY (38th):

Mr. Speaker, this is the second of general law's package of three planning and zoning bills. This bill concerns itself only with the subject of uniformity of time limits in the existing planning and zoning statutes. This bill would impose uniform time periods for commencing public hearings, complete public hearings and rendering decisions for specific zoning petitions, applications and requests or appeals before zoning commissions, planning commissions, combined planning and zoning commissions or zoning board of appeal. In other words, whenever a public hearing is held, whether on a request for a zone change, for a subdivision approval, a special permit, a special exception or whatever, the time limits would all be uniform. As the law reads now, the deadlines are neither uniform nor clear. Simply stated, this bill proposes that all public hearings must be held within 35--65 days of official receipt of a request for such hearing; further, that the public hearing shall be completed within thirty days after it begins and this thirty day period would, of course, only apply in those very few cases where the subject matter is so controversial as to cause the hearing to be conducted over several sessions. And lastly, that the decision must be rendered within 65 days after the public hearing is completed.

This bill would also permit extensions of each of the uniform

time periods specified but only where the applicant consents to such extension and in no event could an extension exceed twice the time period specified.

Other than the addition of a 30 day time limit for an extended public hearing, the only other matter of any substance in this bill is that of imposing a time limit on site plan decisions. At present, the statutes impose no deadlines at all and it is not impossible for simple site plan to disappear into the bowels of the commission for a year or two. This bill would impose the same 65 day deadline as presently exists for decisions on subdivision applications where no public hearing is required. It would also, with the consent of the applicant, allow for two additional sixty-five day extensions for site plan review.

I urge passage of this bill.

THE DEPUTY SPEAKER:

House "A" is ruled technical. Will you remark on the bill as amended by House Amendment Schedule "A"? Will you remark further? If not, will the members please take their seats and the staff please come to the well of the House. The machine will be opened. Have all the members voted? If so, the machine will be locked and the Clerk please take a tally.

MRS. OSIECKI (108th):

Mr. Speaker, may I be recorded in the affirmative please.

THE DEPUTY SPEAKER:

The Clerk please note the representative from the 108th in the affirmative.

The Clerk please announce the tally.

THE CLERK:

House of Representatives

Tuesday, May 3, 1977

65  
djh

THE CLERK:

Total Number Voting.....143  
 Necessary for Passage..... 72  
     Those Voting Yea.....143  
     Those Voting Nay..... 0  
     Those Absent and Not Voting..... 8

THE DEPUTY SPEAKER:

The bill as amended is PASSED.

THE CLERK:

Page 10 of the Calendar, Calendar No. 753, substitute for H.B. No. 8198, File No. 637, An Act Concerning Retirement Benefits for State Employees.

MR. O'NEILL (34th):

Mr. Speaker, may that item be passed temporarily please.

THE DEPUTY SPEAKER:

You've heard the motion. Any objections to the motion? Any objection? So ordered.

THE CLERK:

Calendar No. 755, substitute for H.B. No. 5785, File No. 642, An Act Concerning the Possession of Untraceable Handguns, favorable report of the committee on Judiciary.

MR. ABATE (148th):

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

THE DEPUTY SPEAKER:

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

MR. ABATE (148th):

Mr. Speaker, the Clerk has an amendment, LCO 8068. Would the Clerk

Tuesday, May 24, 1977

79

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Page eight of the Calendar, Cal. 816, File 636 and 937, Substitute for House Bill 6285. Joint favorable report of the Committee on General Law. AN ACT CONCERNING TIME LIMITS FOR HEARINGS AND DECISIONS IN PLANNING AND ZONING MATTERS, as amended by House Amendment Schedule A.

THE PRESIDENT:

Senator Cutillo.

SENATOR CUTILLO: (15th)

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill, in concurrence with the House as amended. Will you give me a moment, please?

Thank you, Mr. President.

THE PRESIDENT:

Do you waive the reading, Senator?

SENATOR CUTILLO:

Yes. Mr. President, I am trying to get to the summary of the bill from the legislative research. Mr. President, the bill would impose uniform time periods for commencing hearings, completing hearings and rendering decisions for specified zoning petitions, applications, requests or appeals before a zoning commission, a combined planning and zoning commission or a zoning board of appeals. It would impose uniform time periods for commencing hearings, completing hearings and rendering decisions in all matters, formal application request or appeal is submitted to a planning commission and require that a decision



Tuesday, May 24, 1977

on an application for approval of a site plan be rendered within sixty-five days after receipt of the site plan and permit extension of such time periods for an additional one hundred thirty days but only with the consent of the applicant. Mr. President, I move acceptance of the bill as amended and request that it be put on the Consent Calendar if there is no objection.

THE PRESIDENT:

Senator Gunther.

SENATOR GUNTHER: (21st)

Mr. President, I don't know whether I have an objection or not. Frankly, in looking over the bill, I know the purpose of the bill. I know that the purpose of the bill is to make it clean up some of the language in the existing law as far as appeals and the time scheduling and that sort of thing. I have only one problem. I turned the bill over to my planning and zoning administrator who is a professional and I believe one of the most competent people in the state who read over the bill and says it is quite confusing. Actually, when you come right down to it, it is not impossible that a bill could go for some two hundred and ninety days or even a whole year under the terms of this particular bill.

Do you want a point of order? Senator Rome?

THE PRESIDENT:

Senator Rome.

SENATOR ROME: (8th)

I am wondering if we can't pass retain it. Our counsel

Tuesday, May 24, 1977

81.

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can look over the objections together with your counsel.

SENATOR CUTILLO:

If I may, Mr. President and Senator Gunther, if there are problems certainly I have no problem to having it pass retained. I would suggest to the minority though that Rep. Barnes be contacted as she did a lot of work on this in General Law.

THE PRESIDENT:

The bill will be marked pass retained.

THE CLERK:

Page eight of the Calendar, Cal. 819, File 633, Substitute for House Bill 7883. Joint favorable report of the Committee on State and Urban Development. AN ACT CONCERNING SETTLEMENT BY THE STATE OF A CLAIM AGAINST ACTION HOUSING, INC., A NONPROFIT COMMUNITY HOUSING DEVELOPMENT CORPORATION, as amended by House Amendment Schedule A.

THE PRESIDENT:

Senator Cloud.

SENATOR CLOUD: (2nd)

Mr. President, I move acceptance of the committee's favorable report and passage of the bill as amended by House Amendment Schedule A.

THE PRESIDENT:

Do you have comments to make, Senator?

Thursday, May 26, 1977

35  
jgt

SENATOR DePIANO:

Mr. President, may I be recorded in the Yeas.

THE CHAIR:

Sure.

SENATOR GUIDERA:

May I be recorded in the affirmative, please. I don't think my vote was recorded.

THE CHAIR:

Alright, Senator Guidera.

Total voting 29. Necessary for passage 15. There are 29 Yeas; zero nays.

The bill is adopted.

THE CLERK:

Page 5 of the Calendar, bottom of the page. Calendar 816. Files 636, 937.

Favorable Report of the Joint Standing Committee on General Law.

Substitute for House Bill 6285. AN ACT CONCERNING TIME LIMITS FOR HEARINGS AND DECISIONS IN PLANNING AND ZONING MATTERS. As amended by House Amendment Schedule "A".

THE CHAIR:

Senator Cutillo.

SENATOR CUTILLO:

Mr. President, I move acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the House as amended.

THE CHAIR:

You have comments to make, Senator?

SENATOR CUTILLO:

Mr. President, the bill imposes a uniform time periods for commencing hearings, completing hearings and rendering decisions for specified zoning petitions.

Thursday, May 26, 1977

36  
jgt

Applications, requests or appeals before a zoning commission. The combined planning and zoning commission or a zoning board of appeals. It imposes uniform time periods for commencing hearings, completing hearings and rendering decisions in all matters when a formal application request or appeal is submitted to a planning commission. It requires the decision on an application for approval of a site plan be rendered within 65 days after receipt of the site plan and permit the extension of such time period for an additional 130 days but only with the consent of the applicant.

The House amendment by the way, Mr. President and members of the Circle, specifies that public hearings held on a zoning matter, or a hearing held by planning commission be completed within 30 days of the start of the hearing rather than within 95 as I had just said; so I really going over what the amendment does.

If there is no objection I would move this matter to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

Turning to page 6 of the Calendar. Top item on the page. Calendar 817. Files 602, 936. Favorable Report of the Joint Standing Committee on General Law. Substitute for House Bill 8137. AN ACT CONCERNING DISCLOSURE OF SERVICE CONTRACT AGREEMENTS. As amended by House Amendment Schedule "A".

THE CHAIR:

Senator Cutillo.

SENATOR CUTILLO:

Mr. President, I move acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the House.

14  
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GENERAL LAW

February 25, 1977

REP. DODES: That's the problem with planning and zoning commissions (INAUDIBLE). Well, I know, but it is a losing question and I don't know how you handle it.

CHAIRMAN RITTER: Would you distinguish between the (INAUDIBLE) amendment or the (INAUDIBLE) amendment?

REP. DODES: Well, you could, but again as I said one word, may and shall as a Tech Amendment and it could be a subject of change. But if you have made some obvious mistakes in saying, you know, for example, front yard set back shall be 15 feet at the public hearing and then the Commission gets ahold of it and says well let us change it to 20, we think it's better. I don't think anyone is going to get too upset about that. But if it is a change in the use or location of the building, or drive, or something that would really affect people, again it is a very subjective matter on how you make that decision. And I think that town attorneys probably turn gray when the Commissions ask them whether they have to back to public hearing or should we just make the change.

Okay, 6281 is basically the same as 6285 in terms of this new section 7-e. There is a misprint on 6285, they have it 7-80 and I don't think that it is what was meant. It should be 8-70. But in any event here we talk about certain distances on line 22...and I am not sure what certain distances is. And I have seen in my own experience problems where you ask the petitioner to send out the mail with his experience and if it isn't sent certified, I have seen petitioners—whether they were telling the truth or not—look you square in the eye and say well, we sent out letters to everybody, and of course only two people showed up...must have heard it through the grapevine, everybody else says, I never got a letter...and they say, well, it must have gotten lost in the mail.

So I think you could run into a problem here unless you make it specific that it should be certified mail. And that...perhaps an easier way would be for the developer to pay the fee to the Planning and Zoning Commission in making sure that it is done by the staff and that they know for certain that everyone has been notified. It solves a lot of problems for both sides. 6282, an act concerning zoning Board of Appeals. I think this is very close to Senate Bill 573. And I think it is a good idea that these decisions shall become effective and be filed in the appropriate town, city (INAUDIBLE). Many times these things

Right now the system is you turn down the 14 and the person comes back with a new petition now because maybe 10 would be a good thing. We go through the whole process again. I think you have to understand what the process is. That process costs the community (INAUDIBLE) representing the community, it costs them the time of sitting in another public hearing, putting out the legal notices. You have to either run a tape or bring in a stenographer. There is considerable expense in running that whole hearing. When in fact if you had...far less expensive...yet inexpensively than the current system operates today. The next section we talk to...

REP. RITTER: Will you state the number of the section each time?

MONTE LEE: Alright. It is Section 3 and it would be relating to Bill 6285. And here again is the situation I talked to earlier where we are talking about giving a new method of providing notice to effected property owners. That is something that is coming up. We also point out to you, and I think this is something brought up by the Bar Association...there is a provision in the law Section 8-3d that provides zone changes, special permits, special exceptions, and variances must be recorded in the land records. The problem in the law right now in this particular section 8-3c if you look at the language, it says the effective day is at the time fixed by the Commission which contradicts what is said in 8-3d which says the effective time is when you record it. And this is the thing that we are trying to clarify here. I know you have several other bills before you with the same intent.

Section 4 which relates to Bill 6280 deals with the Zoning Board of Appeals and answers the thing that we are saying here is let's abolish use variances. That is as simply stated as I can put it. We find that the granting of a use variance is really a circumventing of the zoning powers. The courts of this state have said that the power to determine what is the zoning of the piece of property is strictly the province of the Zoning Commission. It is not a Zoning Board of Appeals. Zoning Board of Appeals is to vary things within the intent of the regulations. And when you turn around and give somebody a variance to shut-up an office in the middle of a residential zone, I think that is within the intent of the zoning which says that the residential property. I think that strictly should be considered a zoning change and this is the reason we are suggesting this change to the law. Right now, the