

Legislative History for Connecticut Act

HB 6288	(PA 509) Law file	1977
Senate	3581-3585	5
House	3046-3056, 6050-6055	17
Gen law	480, 486-492, 499-500, 519-520, 526-527	14
		<hr/> 36 p.

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

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1977

VOL. 20
PART 9
3414-3867

Thursday, June 2, 1977

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The Clerk please tally the vote. Result of the vote. 34 total voting, 18 necessary for passage. 34 yea, zero nay. Bill is adopted. Senator Flynn, will you please assume the Chair?

THE CLERK:

Turning to page 5 of the Calendar, Calendar 896, Files 891 and 1027, Favorable Report of the Joint Standing Committee on General Law. Substitute for House Bill 6288. An Act Concerning Zoning Regulations, Hearings and Appeals. (As amended by House Amendment Schedules "A" and "C").

SENATOR CUTILLO:

Mr. President.

THE CHAIR: (SENATOR FLYNN)

Senator Cutillo.

SENATOR CUTILLO:

I move acceptance of the joint committee's favorable report and passage of the bill as amended by the House, and I believe the Clerk has several amendments in front of her.

THE CLERK:

Clerk has Senate Amendment Schedule "A", substitute House Bill 6288, LCO 9480 offered by Senator Cutillo, copies are on the desks.

THE CHAIR:

Senator Cutillo.

SENATOR CUTILLO:

I move acceptance of the amendment and would the Clerk please

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read the amendment?

THE CLERK:

In line 471 delete "all costs fees and", delete lines 472 to 476 inclusive," "in line 477 delete charge of the town deposit fund."

SENATOR CUTILLO:

Thank you. Mr. President, what we're doing here, anybody who is, has a contest in terms of zoning regulations, those costs would not be born by the individual but by the community involved. I move the amendment.

THE CHAIR:

You call for a voice vote, Senator?

SENATOR CUTILLO:

Yes.

THE CHAIR:

All those in favor signify by saying aye. Opposed? It's carried.

SENATOR CUTILLO:

Clerk has another amendment.

THE CLERK:

Clerk has Senate Amendment Schedule "B", Substitute House Bill 6288, LCO 9479 offered by Senator Cutillo, copies have been distributed.

THE CHAIR:

Will you remark, Senator?

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SENATOR CUTILLO:

Mr. President, I move the amendment and waive its reading. We'll explain it. I'll read it as a matter of fact. "On the natural environment", this is in line 57, well, we'll start with 55, delete "the avoidance of", delete line 56, and in line 57, delete "on the natural environment" and insert in lieu thereof, "may provide that proper provision be made for sedimentation control and the control of erosion caused by wind or water." I move the amendment, Mr. President, unless there are questions here. Mr. President, I move the amendment unless there's any further questions.

THE CHAIR:

Will you remark further, Senator?

SENATOR CUTILLO:

Not on the amendment.

THE CHAIR:

All those in favor signify by saying aye. Opposed? The amendment is carried.

SENATOR CUTILLO:

Mr. President, on the bill as amended, Senator Fauliso in the Chair, he called the last bill, landmark legislation, I'd have to put this in the same category, because in my previous remarks with the other bill this comes out of the, a whole group of bills that I had alluded earlier and I am by no stretch of the imagination an expert in any subject that comes in front of the Circle, and by far not pertaining to this subject matter at all, but I will read some

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of the explanation pertaining to what we're doing in this legislation, we're permitting zoning regulations to specify the extent to which uses would not be permitted by variance in districts in which such uses are not otherwise allowed. We've authorized the zoning board of appeals to refuse to hear any application of the same variance or substantially the same variance for a period of six months after a decision by such board or by a court on an earlier application, prohibit the issuance of any building permit for a building use or structure subject to zoning regulations without certification or conformity by the official charged with enforcing the zoning regulation, established various requirements and a time periods relative to site plan approval, prohibit the staying off of special orders requirements or decisions regarding matters being appealed to the zoning board of appeals unless a stay were granted by the board and would apparently eliminate the existing right of the appellant to seek a court order restraining the enforcement of such order requirement or decision. Mr. President, as I have said earlier, much work has gone into this by several Representatives in the House. It has passed the House unanimously and I would ask further that we place it on the Consent Calendar.

THE CHAIR:

Senator, would you respond please. Senator George Hannon.

SENATOR HANNON:

Mr. President, no. Mr. President, I just had a brief question.

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I understood what he said and I followed it rather attentively. I wonder if he could capsulize it for us in a brief sentence.

THE CHAIR:

Senator Cutillo?

SENATOR CUTILLO:

Mr. President, let me say this, through you. We went to lunch together today and we talked about this extensively. I feel the question is unnecessary and I refuse to answer.

THE CHAIR:

If that's the way you'll have it, Senator. Is there any objection? Hearing none, the item is moved to the Consent Calendar. Clerk call the next bill.

THE CLERK:

Turning to page 6 of the Calendar, Calendar 979, File 1076, Favorable Report of the Joint Standing Committee on Finance. Substitute for Senate Bill 1484, An Act Concerning Combined Business Tax Returns.

THE CHAIR:

Senator Beck.

SENATOR BECK:

Mr. President, I move that we accept the committee's favorable report and act favorably on the bill.

THE CHAIR: (SENATOR FAULISO)

Senator Beck.

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GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1977

VOL. 20
PART 8
2979-3432

House of Representatives

Tuesday, May 10, 1977

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THE CLERK:

Calendar No. 982, substitute for H.B. No. 7738, File No. 894,
An Act Concerning the Rescission of Contracts for Used Automobiles, favor-
able report of the House Committee on General Law.

MR. COATSWORTH (32nd):

Mr. Speaker, may this item be recommitted to the Committee on
General Law?

THE DEPUTY SPEAKER:

You've heard the motion. Any objections to the motion? It
is so ordered.

THE CLERK:

Page 19, Calendar No. 984, substitute for H.B. No. 6288, File
No. 891, An Act Concerning Zoning Regulations, Hearings and Appeals, favor-
able report of the Committee on General Law.

(record
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MRS. POLINSKY (38th):

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

THE DEPUTY SPEAKER:

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

MRS. POLINSKY (38th):

Mr. Speaker, the Clerk has an amendment, LCO 7865. Would he read
it and may I be allowed to summarize?

THE DEPUTY SPEAKER:

The Clerk has LCO 7865 designated as House Amendment Schedule
"A". Will the Clerk please call.

THE CLERK:

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House Amendment Schedule "A", LCO 7865 offered by Rep. Polinsky, 58th district, Rep. Barnes, 21st district, Rep. Dodes, 88th district.

THE DEPUTY SPEAKER:

Are there any objections to the Representative summarizing this amendment? Please proceed.

MRS. POLINSKY (38th):

Mr. Speaker, this amendment clarifies that the certification of conformity by the zoning enforcement official shall be in writing and that a valid non-conforming use would also be allowed under this certification.

Mr. Speaker, I move adoption of this amendment.

THE DEPUTY SPEAKER:

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

Will you remark further on the bill as amended?

MRS. POLINSKY (38th):

Thank you. Mr. Speaker, I believe there are other amendments and I would at this point yield to Rep. Dodes of the 88th district.

MR. DODES (88th):

Mr. Speaker, the Clerk has an amendment, LCO No. 7684.

THE DEPUTY SPEAKER:

The Clerk has LCO 7684, House Amendment Schedule "B". Would the Clerk please call and read.

THE CLERK:

House Amendment Schedule "B", LCO 7684 offered by Rep. Dodes, 88th district.

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In line 327, delete the words "an appeal"

Delete lines 328, 329, 330 in their entirety.

In line 332, delete everything except the words "An appeal"

In line 333, delete everything except "shall stay all"

MR. DODES (88th):

Mr. Speaker, I move the acceptance of the amendment.

THE DEPUTY SPEAKER:

Question is on adoption of House Amendment Schedule "B". Would you remark?

MR. DODES (88th):

Yes, Mr. Speaker. What this amendment does is remove the language that presently appears in the bill and returns the statute to the language that presently exists. What it does in effect is it prevents the possibility of a building official becoming arbitrary and issuing an order to a builder which would, in effect, cause a hardship because the builder would no longer be allowed to proceed with his construction until such time as the board of appeals made a decision. The present language would allow the builder to continue and stay all appeals and I think this is to the benefit of the people in the building industry and does no harm to any of the municipalities in the state.

THE DEPUTY SPEAKER:

Does the gentleman care to move adoption of House Amendment "B"?

MR. DODES (88th):

I'm sorry. I move adoption of the amendment "B".

THE DEPUTY SPEAKER:

Question is on adoption of House Amendment Schedule "B". Would you remark further?

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MRS. BARNES (21st):

Mr. Speaker, I rise to oppose the amendment. The language that is being sought to be amended this time was placed there because of a situation that had developed in the state where a builder could put up, in the cases where it had occurred, signs that enabled him to advertise for a period of time in spite of the fact that the building zoning enforcement officer told him that the signs were illegal. With the law as it reads at the present time, he was able to leave them up in spite of that zoning enforcement officer's ruling until the zoning board of appeals made a ruling. He then went to court. This took about two years in which time he had advertised fully everything he had wanted to advertise and then he took down the illegal sign.

If a builder did not have to prior to this clause receive a statement from a building inspector stating that he was complying with the existing zoning regulations, then I could see the purpose of eliminating this section. But when this section goes into play, he has already violated the law by not following the zoning regulations in town.

Thank you.

MR. DODES (88th):

Mr. Speaker, I support this amendment for a very simple reason. The example that Rep. Barnes gave, while it is a true example, is one that is of a relatively minor nature in comparison to the problems that could be caused in the case of buildings. If you will, if a person decides to build a structure, now it's very possible, of course, that he could be building a structure without proper permission granted by the town, but even in that event, he realizes to his attorney, I'm certain, that he is building at his own peril. If he is building a structure and a building official for whatever

reason he deems necessary says that this building construction must stop, it is conceivable that without the ability to continue, a building could be stopped midway in construction with an open roof exposed to the elements and if a board of appeals is not scheduled to meet for a month, six weeks or possibly in the case of a vacation period two months, this builder is really running the risk of losing a lot of dollars on a project and also the possibility exists that he is, in fact, not wrong and the building official is. I think this is the type of legislation that is needed--rather the amendment removes a type of legislation that is not needed at this time and I think we should vote in favor of the amendment as proposed.

And I would like to request a roll call vote on this matter,
Mr. Speaker.

THE DEPUTY SPEAKER:

The question is on a roll call. All those in favor of a roll call, signify by saying aye. More than 20% have answered in the affirmative, a roll call is in order.

Would you remark further on House Amendment Schedule "B"?

MR. ALLYN (43rd):

Mr. Speaker, through you to the proponent of the amendment.

THE DEPUTY SPEAKER:

Please proceed.

MR. ALLYN (43rd):

Does this mean that a builder, for instance, at the present time right now is building a structure that is illegal because he failed to grant a permit, he's told to stop, he gets a cease and desist order, then he goes to court, gets a prevention so he can continue building until such time as the litigation is settled, is that the point?

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MR. DODES (88th):

Through you, yes.

MR. ALLYN (43rd):

Well, through you Mr. Speaker, speaking to the amendment, one of the things that concerns me are the fact that if a builder can go ahead and complete his structure even though it may be illegal, then when it comes time to make a final decision on it, many times those people will be swayed by the fact that he's already got his building built and they'll sort of say, oh well, he's already got his building built and it will really be a hardship for us to make him tear it down, so therefore, we'll give him the permit. I think we run into this thing on a different version many times on your building of docks along the sound. A person will go in, build a dock illegally, then the DEP gets around to telling him that they have to go in there and get a permit because they built it illegally and then permit time comes around they'll say, oh well, he's already got the dock in and to make him tear it up, will be a real hardship and it's not out of conformity by that much so, therefore, we'll let it stay in. And I think with this amendment the same thing is possible within your planning and zoning regulations. Somebody can just go ahead and do it knowing that they're not in compliance assuming the fact that they'll be approved eventually anyway.

So, I oppose the amendment.

THE DEPUTY SPEAKER:

Will you remark further on House Amendment Schedule "B"? If not, will the members please take their seats, will the staff and guests please come to the well of the House. The machine will be open. Have all the members voted? Have all the members voted? The machine will be locked, the Clerk please take a tally.

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Will the Clerk please announce the tally.

THE CLERK:

Total Number Voting.....	142
Necessary for Adoption.....	72
Those Voting Yea.....	15
Those Voting Nay.....	127
Those Absent and Not Voting.....	9

THE DEPUTY SPEAKER:

House Amendment Schedule "B" FAILS.

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

MR. JULIAN (52nd):

Thank you, Mr. Speaker. The Clerk has another amendment, LCO
8316.

THE DEPUTY SPEAKER:

The Clerk has LCO 8316, designated House Amendment Schedule "C".
The Clerk please call the amendment.

THE CLERK:

House Amendment Schedule "C", LCO 8316 offered by Rep. Julian,
52nd district.

THE DEPUTY SPEAKER:

Does the gentleman seek permission to summarize? Any objections
to that? Please summarize, sir.

MR. JULIAN (52nd):

Thank you Mr. Speaker. Concerning zoning, section 81 concerning
zoning commissions indicates that the manner for filling vacancies arising
from any cause shall be provided by vote of the legislative body. That's
for a zoning commission. For a planning commission, vacancies are filled
by the commission itself but for a combined commission that many of our towns

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have, there is no provision made for filling vacancies. This amendment would simply say that vacancies shall be filled in a manner prescribed by the legislative body of that town.

I think it's a very good amendment, Mr. Speaker, and I urge its adoption.

THE DEPUTY SPEAKER:

Question is on adoption of House Amendment Schedule "C". Will you remark further?

MR. STEVENS (119th):

Mr. Speaker, through you a question on the amendment. The LCO 8316 which I have says section 10 (new). My question, through you Mr. Speaker, is this is not new language. Is that not correct?

MR. JULIAN (52nd):

Through you Mr. Speaker, it's my understanding that the only new language would be contained on lines, well it looks like 52½ and 53 and 54, the last section.

MR. STEVENS (119th):

Thank you Mr. Speaker. That's my understanding looking at it also but I would just comment that it's very deceptive to receive an amendment, of course it's not the gentleman's fault, to receive an amendment that starts out by indicating its new language when, in fact, it is not new language and I think the gentleman's response is correct, that the only new language is that at the end of the bill--end of the amendment.

THE DEPUTY SPEAKER:

Will you remark further? Will you remark further on House Amendment Schedule "C"?

MRS. POLINSKY (38th):

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Thank you. Though the sub-committee in General Law did not address this particular subject as part of this total bill, I think it's a good addition, a good amendment to the bill. It does clarify appointment of vacancies and it certainly would help those small towns that don't have legal counsel hanging over their shoulder every minute or planning hanging over their shoulder every minute. I urge adoption of the amendment.

THE DEPUTY SPEAKER:

Will you remark further? Will you remark further on House Amendment Schedule "C"? If not, all those in favor signify by saying aye. Those opposed? House "C" is ADOPTED and ruled technical.

Would you remark further on the bill as amended by House Amendment Schedules "A" and "C"?

MRS. POLINSKY (38th):

Mr. Speaker, this is the third and last of the General Law Committee's planning and zoning bills. This bill combines parts or all of some fifteen or eighteen proposed bills and, therefore, touches a wide range of planning and zoning statutes. The bill makes clear that no change in the zoning regulation or boundary could be made until after a public hearing is held and it further specifies that regulations and boundaries may be amended, established, changed or appealed only by a majority vote of all members of the commission.

This bill also clarifies that a site plan may be required to even in determining whether the proposed structure or use conforms with the zoning regulations. This section of the bill also establishes the time limits for the site plan review. It requires the reasons for the commission's decisions to be stated and that the applicant shall receive a copy of such decision.

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As far as special permits or special exceptions go, existing law requires filing in the office of the town clerk and on the land records of the town. The present bill specifies that the special permit or exception if granted would not become effective until such filing takes place.

This bill would enable a zoning commission, if it so wishes, to consider the protection of its historic factors and the avoidance of sedimentation, erosion and other adverse natural environmental effects.

With regard to zoning board of appeals, the bill would allow the board to refuse to hear any application for the same or substantially the same variance for a period of six months after a decision by the board or by a court. This six month period would allow the decision to take effect. Presently, the applicant could immediately reapply, thereby staying all enforcement action.

The bill would allow commissions to promulgate regulations which would specify the extent to which land uses would not be permitted to be varied. In other words, it allows a commission, if it wishes, to limit the extent of that old bug-a-boo about zoning.

In section 2, the bill requires that prior to the issuance of a building permit, the zoning enforcement officials shall certify that the building use and structure conforms to the municipality zoning regulations. This bill would also prohibit the staying of specified orders, requirements or decisions regarding matters being appealed to the ZBA unless the stay were granted by that board.

And lastly, the bill would permit a municipality to recover as damages from the violator all costs, fees and expenses which it incurs with a civil action to enforce its regulation in the event the court renders judgement for the municipality.

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

THE DEPUTY SPEAKER:

Are you prepared to vote? Are you prepared to vote? Will the members please take their seats, the staff and guests please come to the well of the House. The machine will be open. Have all the members voted? Have all the members voted? The machine will be closed and the Clerk please take a tally.

The Clerk please announce the tally.

THE CLERK:

Total Number Voting.....	142
Necessary for Passage.....	71
Those Voting Yea.....	141
Those Voting Nay.....	1
Those Absent and Not Voting.....	10

THE DEPUTY SPEAKER:

The bill as amended is PASSED.

THE CLERK:

Calendar No. 985, substitute for H.B. No. 7233, File No. 892,
An Act Allowing Only the Committing Court to Release a Patient Who is a Criminal Defendant, favorable report of the Committee on Judiciary.

MR. ABATE (148th):

Mr. Speaker, may that bill be recommitted to the Committee on Judiciary, please.

THE DEPUTY SPEAKER:

You heard the motion to recommit this bill to the Committee on Judiciary. Any objection to the motion? Any objection? So ordered.

THE CLERK:

Calendar No. 986, substitute for H.B. No. 8136, File No. 890,

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discussed, and I hope we pass the bill and send it on to the Governor. Thank you. efr

MR. SPEAKER:

Will you remark further on the bill as amended? If not, will the Members take their seats; the staff and guests come to the well. The machine will be opened. Have all the Members voted, and is your vote properly recorded? If all the Members have voted, the machine will be locked, and the Clerk will take a tally. The Clerk please announce the tally.

The following is the result of the vote:

Total number voting	143
Necessary for passage	72
Those voting Yea.	143
Those voting Nay.	0
Those absent and not voting	9

The bill as amended is passed.

THE CLERK:

Page 12 of the Calendar, Calendar 984, Substitute for H.B. 6288, File 891, 1027, an Act concerning zoning regulations, hearings and appeals. As amended by House Amendment Schedules "A" and "C" and Senate Amendment Schedules "A" and "B". Favorable report of the Committee on General Law.

JANET POLINSKY:

Mr. Speaker, I move acceptance of the bill in concurrence with the Senate, and, Mr. Speaker, the Clerk has an amendment.

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Would the Clerk please call L.C.O. 9480, Senate Amendment "A", and efr
I move that the reading of the amendment be waived so that I would
be allowed to summarize.

MR. SPEAKER:

Well, the first thing we'll do is we'll present the
motion for acceptance and passage to the Chamber, and now that
the matter is in the possession of the Chamber, would the lady
like to call that Senate Amendment?

JANET POLINSKY:

Sure. Mr. Speaker, the Clerk has an amendment, L.C.O.
9480, Senate Amendment "A". Would he please call it.

MR. SPEAKER:

Will the Clerk please call L.C.O. 9480. The Clerk
please call and read.

THE CLERK:

Senate Amendment Schedule "A", L.C.O. 9480, offered by
Senator Cutillo, 15th District. In line 471, delete "all costs,
fees and". Delete lines 472 to 476 inclusive. In line 477,
delete "charge of the Town Deposit Fund".

JANET POLINSKY:

Mr. Speaker, may I be allowed to summarize.

MR. SPEAKER:

The Clerk has read. It's not necessary to summarize.
The Chair will entertain a motion for adoption.

JANET POLINSKY:

Mr. Speaker, I move the adoption of the amendment.

MR. SPEAKER:

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The question is on adoption of Senate "A". Will you remark, madam?

JANET POLINSKY:

Yes, Mr. Speaker. This amendment deletes that section of the bill that would allow a municipality to recover damages from the violator, which it incurs with a civil action to enforce its regulations in the event the Court renders judgment for the municipality. I move the adoption of this amendment.

MR. SPEAKER:

Will you remark further on Senate "A"? If not, the question is on its adoption. All those in favor of Senate "A" will indicate by saying "aye". Opposed. The "ayes" have it. The Chair is in doubt. All those in favor of adoption of Senate Amendment Schedule "A" will indicate by saying "aye". Opposed. No more doubt. The Chair's...the "ayes" have it. Senate "A" is adopted. Will you remark further on the bill as amended?

JANET POLINSKY:

Mr. Speaker, the Clerk has an amendment, L.C.O. 9479, Senate Amendment "B". Would he please...could I please have the amendment called, and may I please summarize it.

MR. SPEAKER:

Will the Clerk please call L.C.O. 9479, Senate Amendment Schedule "B". In virtue of the brevity of the amendment, the Chair would ask the Clerk to read.

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#3

THE CLERK:

Senate Amendment Schedule "B", L.C.O. 9479, offered by Senator Cutillo, 15th District. In line 55, delete "the avoidance

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of". Delete line 56. In line 57, delete "on the natural environ- efr
ment", and insert in lieu thereof "may provide that proper provi-
sion be made for sedimentation control and the control of erosion
caused by wind or water".

JANET POLINSKY:

Mr. Speaker, I move the adoption of the amendment.

MR. SPEAKER:

The question is on adoption of Senate "B". Will you
remark?

JANET POLINSKY:

Yes, Mr. Speaker. This amendment merely changes wordings
in lines 55 through 57, so that it conforms to the wording that was
used in the Subdivision Bill that was passed by both Chambers.

MR. SPEAKER:

Will you remark further on Senate "B"? If not, the
question is on its adoption. All those in favor of Senate "B" will
indicate by saying "aye". Opposed. The "ayes" have it. Senate
"B" is adopted. Will you remark further on the bill as amended by
Senate "A" and Senate "B"...and previously amended by House "A" and
House "C"?

JANET POLINSKY:

Mr. Speaker, I move acceptance of the bill as amended by
Senate Amendments "A" and "B"...passage of the bill as amended by
Senate Amendments "A" and "B".

MR. SPEAKER:

Will you remark further on the bill as amended?

JOHN A. BERMAN:

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Mr. Speaker, a question through you to the proponent, efr
please.

MR. SPEAKER:

Please frame your question, sir.

JOHN A. BERMAN:

Representative Polinsky, as I read the file copy and the amendments we will now be deleting consideration of historic factors. Is that correct, or would you explain where it is included then, if we delete line 55?

MR. SPEAKER:

Does the lady care to respond?

JANET POLINSKY:

Yes, sir. Just a second. I think you'll find that the amendment does not delete all of line 55. It only deletes the words "the avoidance of" in line 55, and the word "historic" still remains in the bill.

JOHN A. BERMAN:

Thank you.

MR. SPEAKER:

Will you remark further on the bill as amended? If not, will the Members please be seated; the staff and guests come to the well. The machine will be opened. Have all the Members voted, and is your vote properly recorded? If so, the machine will be locked. The Clerk will take a tally. Will the Clerk please announce the tally.

The following is the result of the vote:

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Total number voting	142	efr
Necessary for passage	72	
Those voting Yea.	135	
Those voting Nay.	7	
Those absent and not voting	9	

The bill as amended is passed.

THE CLERK:

Calendar 688, Substitute for H.B. 5221, File 603, 931, an Act concerning estimates for repair of consumer goods. As amended by House Amendment Schedule "A" and Senate Amendment Schedules "A" and "D". Favorable report of the Committee on General Law.

ROBERT F. FRANKEL:

Mr. Speaker. Thank you, Mr. Speaker. I move acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the Senate.

MR. SPEAKER:

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

ROBERT F. FRANKEL:

Yes, thank you, Mr. Speaker. Before calling the two Senate Amendments which exist, I'd like to just briefly review the bill for background. The bill deals in four sections with estimates for repair of consumer goods. The first section requires an estimate in writing by a repairer prior to doing any work. The second section requires that an invoice be supplied subsequent to

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342-661

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GENERAL LAW February 25, 1977

CHAIRMAN RITTER: Excuse me a second. Representatives and Senators are taking very long.

REP. DODES: I am sorry.

CHAIRMAN RITTER: That's alright. Let's be quick because other people do want to be heard.

REP. DODES: Okay.

CHAIRMAN RITTER: I think you should make your presentation and refrain from asking questions at this point and (INAUDIBLE).

REP. DODES: Okay. I don't have that many...there are a lot of them combined. 6287, An Act Administration of Zoning Regulations. This act has to do with compliance with you know, zoning regulations after construction has been completed and I recognize that as a major problem in terms of what is happening. In fact, people may move in and then they find violations and you are not about to throw these people out. They have gotten a building certificate of occupancy. I think you might be able to solve this problem by requiring the issuance in zoning certificates of occupancy before building certificates of occupancy. Which means that if the building meets all of the zoning requirements, it must meet all of the zoning requirements before the building inspector can give the seal of go because too often in many communities the building inspector rightfully says, I am only concerned with the building...I am only concerned that it meets the building code.

And if it doesn't meet the zoning regulations, I don't need to worry about it. And I think you can avoid some problems by taking that route. 6288, An Act Concerning Zoning Regulations. I think it is very vague as it is proposed here, you know, when it has things like reasonable consideration in it, and talks about a comprehensive plan and I don't know if anybody really can define what a comprehensive plan is here. And then I don't think it is very consistent because it does separate out non-conforming signs which may go prohibited for not less than five years. And I think if it was to be consistent it would treat all non-conforming uses whether they be signs, or buildings or things of this nature the same and my really big question is why differentiate under those conditions?

6296, An Act Concerning Zoning Definitions. This has to do with

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CHAIRMAN RITTER: Thank you very much. The next speaker will be Michael Schatz followed by Larry Kolp.

ATTORNEY MICHAEL SCHATZ: My name is Michael Schatz and I am an attorney with Schatz and Schatz in Hartford. And I am appearing on behalf of The (INAUDIBLE) Advertising Association of Connecticut. This Association is composed of the members of the Standardized Outdoor Advertising Industry here in Connecticut. Names that you are familiar with are: (INAUDIBLE) Advertising Company in the Hartford area, Murphy Incorporated down in Bridgeport, Murphy Advertising Company up in Waterbury, United in New Haven, The Gateway down in Stamford, and firms that are in the Standardized Outdoor Advertising Industry throughout the state.

I am appearing in opposition to five bills and I would like to call to the Committee's attention some housekeeping that you might want to take care of. We are scheduled for a hearing today at 848, 6149, and 6288. For some reason, perhaps oversight, 6402 Representative Gilligan's bill was not set down for hearing today because it covers the same subject matter and also there is a Bill 7057 that was referred to the Insurance and Real Estate Committee scheduled for hearing this coming Monday, but truly is on nonconforming uses of property, Representative Ritter's bill, and I am a little confused as to why it was...so all of my remarks will relate to all of those bills.

First of all, I would like to segregate them into really two packages. 848 which is Senator DeNardis's bill and 7057 which is Representative Ritter's bill apply to all nonconforming uses. The effect of each bill is to in the case of Senator DeNardis's bill, to put in a termination within a reasonable time and to enable the legislative body to purchase. It is truly a contemplation-condemnation approach. Representative Ritter's bill again applies to nonconforming uses that speaks to amortization.

We might segregate those. The other three bills 6149, 6288 and 6402 are specifically directed toward signs in some cases, and I believe some go on to talk in terms of outdoor advertising signs. I think that in order to understand the problem as it relates to this industry, I have got to give you a little background and quick history.

The whole conflict of the nonconforming use really was the basis

on which zoning was sold. In other words, zoning was a brand-new concept in this country, and when they decided suddenly to put in a plan, things just didn't fit. There is no question in anybody's mind that if you go back...and the reason I am going back is I think it is important to a legislative body to go back to the start of things. I think some of our problem in legislation is we never go back to the start of things and realize that this was the (INAUDIBLE) pro quo. You got public support for zoning because people whose properties didn't meet the new plan, were told, you will be protected. Now, what has happened of course, is it has been distorted. We have created additional nonconforming uses through variances to an exception. I think it is very important for this committee, especially in the area of general...where it is not related to any specific area, but is general such as Representative Ritter's bill, Senator DeNardis's bill. But you take an inventory of nonconforming uses in a town. I think you will be appalled to find how many houses don't meet a set-back requirement, how many structures don't meet a (INAUDIBLE) requirement. You know, we all think in terms of nonconforming uses where it is the gas station that sticks out, that shouldn't be there. That has been there since the year 1. And I think that you have got to realize that you are putting out risks. Every citizen who owns property in the State of Connecticut, for whatever reason...it can be heighth, (INAUDIBLE), it can be an overhang whose property does not conform to the zoning law.

Now, with reference more specifically, to the area of signs, the problem that our industry faces is a peculiar one. We are not a single sign problem. The industry operates on a showing. We are an arm of media. If you talk of using the media of business, you will find that National Advertising has allocated a certain amount there...advertising dollars to television, to radio, to newspapers, periodicals, magazines, and certain amounts of other advertising. In order to give them what we call a market showing, we have to have a coverage in an area. Now, if you destroy any part of that coverage, you are not destroying simply that sign. You are destroying the value of what we call the plan...that is the complete coverage that people have in this area. So I want you to understand in the whole concept of amortization, it is very easy to take a doctor's sign that doesn't conform, you know, sort of like a directory sign. Then you figure out that in 5 years he will get back his \$100. You are talking in this situation here...you may be facing tremendous values in connection with (INAUDIBLE), inverse condemnation. ...concepts that I think the lawyers on the Committee are well acquainted with. The concept that by taking this property, it has an adverse affect on other properties owned by the same owner.

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Now, what our problem really is as an industry is the way it has been to create a nonconforming use as far as advertising signs are concerned by a total prohibition in the town. Now this is interesting despite the fact that 8-2 which is the section of the statute we are covering indicates that the comprehensive plan should recognize outdoor advertising, it should regulate it. This has been prohibited. And then what happens is once having by legislative fiat created nonconformity...

REP. RITTER: Why do you call it fiat?

ATTORNEY SCHATZ: Well, by legislative bill created nonconformity. Amortization is the second step. So, what in effect you now have is the combination of amortization-prohibition creating a total prohibition. Now, why run that score...the sessions made of the Laughlin case. Our office handled that case. It arose out of the opposition of the West Hartford Chamber of Commerce to the sign ordinance that was proposed in the Town of West Hartford. Just to give you an illustration, the nonconforming aspect of that sign is it wasn't eighteen inches of the wall of the structure. My recollection, I may be wrong in this instance... a working sign was set out in front of the building on over-occupied tenancy. And the Superior Court said under those circumstances that this was a nonconforming use and the Town of West Hartford was precipitously prohibited by such an (INAUDIBLE) too from illuminating with nonconforming us.

Now, it may be easy to follow from that to say you change 8-2 and this decision does not apply. I want to point out that the court took an easy way out. This was the simple answer. There were other issues raised on both sides in the brief that the court did not address itself to. And we would claim as we did in that case...it was not decided by the court, that any succession of prohibition in an amortization is an unconstitutional taking of property without compensation.

REP. RITTER: Are there any cases (INAUDIBLE)?

ATTORNEY SCHATZ: Yes, yes, and it is very interesting. What we are seeing coming down is we are seeing a line of decisions coming down in various aspects of this area, and I just want to point out to you as I go along other (INAUDIBLE) as it appears on the surface.

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REP. RITTER: Before I lose my train of thought. Those cases that you confirm to (INAUDIBLE) constitutional principle or application (INAUDIBLE) situations?

ATTORNEY SCHATZ: Some are unconstitutional principles, some are individual applications. Now, also the claim was made in that case that it was discriminatory. Advertising...there are cases where they single out advertising signs and that constitutional argument can be made. The other area that I want to point out to you is a peculiar area that arises through the operation of federal law. Federal law in a sense regulates outdoor advertising on both interstate highways and federal primary highways. I want to underline federal primary highways just criss-crossing the state. For example, Albany Avenue is a federal primary highway. I doubt that you would find any major artery even though urban located which isn't a federal primary highway in Connecticut.

Now, the way it operates is that there is a democracy. (INAUDIBLE) under the federal law that they can go the amortization route, and they made the claim that amortization is the same as compensation. The courts found that that is not true. Compensation is money. Now what happens is under the Federal Beautification Law if the state doesn't take compensation, they will leave 10% matching funds. You have got this situation...I want to point it out to you that if you pass this law and a town under this law goes ahead and uses amortization to take signs which are on either an interstate highway or a federal primary highway, you are giving that town the tool to deprive the State of Connecticut of 10% of its highway funds.

REP. RITTER: Do the federal highway laws really apply to commercial and industrial properties?

ATTORNEY SCHATZ: Yes, it refers to commercial and industrial properties and it also refers to the Federal Highway Law which allows the facing requirement--the erection of signs in other zones.

CHAIRMAN RITTER: What is this specific application with reference to commercial and industrial properties?

ATTORNEY SCHATZ: You cannot prohibit the erection signs in commercial and industrial properties?

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REP. RITTER: So, (INAUDIBLE)?

ATTORNEY SCHATZ: Well, because...wait, it would apply if a town goes ahead and prohibits signs in commercial and industrial zones, on a federal primary road.

REP. RITTER: What I am asking is number 1...what is the application of a federal law as you understand it?

ATTORNEY SCHATZ: Well, if a town on a Federal Primary Road went ahead and prohibited all signs in that town...and that is the illustration that we really have before us today...West Hartford and Farmington both prohibit signs, so every sign in West Hartford and Farmington is a nonconforming use. Now if they now take what you are considering and implement it, on those signs that are taken down say, in the Town of West Hartford that are on a Federal Primary Highway. Now, for example, Park Street in the commercial area may be a Federal Primary Highway, I am not up-to-date on the subject. When they take down that sign, West Hartford by its action will be jeopardizing 10% of Connecticut's highway funds.

But (INAUDIBLE) that this is the procedure that is being followed. So you have got to put in safeguards with reference to the Beautification Act and the continuance of signs...not the continuance of signs in commercial and industrial zones, but if they are going to be taken out of commercial and industrial zones, they have got to be compensation paid. Now, when we are in the area of constitutional law, the Supreme Court took a very limited approach to the West Hartford case and merely confined it to the State Statutes. I want to point out to you working in this field, that we have other constitutional issues that going out have yet to be decided. It is the concept of commercial civil rights that is going out. And I think you are familiar with this concept. The fact that we had all felt in the early 60's that the whole civil rights legislation was designed only for individuals. But now it has been extended to corporations. More important recently, there has been a line of cases that have protected what they call commercial receipts. There are cases going up that take the position that this industry is a protected industry in the area of commercial free speech.

So the whole area of constitutional law today is in a flux with commercial applications. And I just point these things out to you because I think what appears to be a (INAUDIBLE) a very minor step has made an implication throughout. Now, this industry I want to point out to you, for years and years we have had difficulty with Garden Clubs. The old timers would tell you there was always a tremendous outpouring occurring (INAUDIBLE). They are responsive to this. They have confined themselves to commercial and industrial areas and all areas of new construction. They don't want to continue a nonconforming (INAUDIBLE) wherever possible. In the situation, for example, Farmington today has (INAUDIBLE) argument. We have four signs in the Town of Farmington.

They have passed an amortization law despite the fact we told them that this decision was pending and after the decision came down, we informed them of the fact that as we led the decision, their argument was defective. Now, we are in a condition where the Town of Farmington has changed. It is perfectly agreeable to single out the Town of Farmington because of our concept of showing (INAUDIBLE) with, we can (INAUDIBLE) find areas of commercial and industrial use where our signs could be taken down from wherever they are now nonconforming and placed in those areas.

REP. RITTER: (INAUDIBLE) in other towns?

ATTORNEY SCHATZ: Absolutely.

REP. RITTER: In Hartford, Bridgeport, New Haven?

ATTORNEY SCHATZ: No. We are doing it in towns that have been heretofore closed to us that are now opening up.

REP. RITTER: How about (INAUDIBLE)?

ATTORNEY SCHATZ: Yes, yes, we have done that. And I might point out this too. One of the things that you have got to understand about this industry is the transitory use of property. In other words, as property values rise the presence or absence of a sign does not control the property use. Income from the sign is nominal compared to the high investment of that property. So you will find that historically where 20 years ago...two or more times what it presently is today. And this is just normal growth. If you have any questions?

REP. BARNES: You've been discussing (INAUDIBLE).

ATTORNEY SCHATZ: Certainly as I read our proposal other advertising signs fall within the definition of signs.

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REP. BARNES: Well, this is a statement (INAUDIBLE).

ATTORNEY SCHATZ: If your intention is to include outdoor advertising, signs then...you know, I am here so...representing the standardized industry and certainly it wouldn't apply.

REP. BARNES: Well, I think we have to differentiate between billboard and signs that would be rather...on buildings and so on and so forth. My understanding (INAUDIBLE) town ordinances (INAUDIBLE) ...signs relating to commercial and industrial development.

ATTORNEY SCHATZ: But your amortization law...in other words, what happened in Farmington if I can put it into history was the first year prohibited outdoor advertising signs. Then about 3 or 4 years ago, we came up with a general sign ordinance and there was a great deal (INAUDIBLE) from general business in Farmington. And finally what happened is that there was an amortization, a revised ordinance and an amortization law passed which in our opinion applied to the amortization portion of that law applied to outdoor advertising.

REP. BARNES: Possibly so...passed in Farmington at the present time. ...compliance regulations which has to do with square feet of the buildings and so on, but what has happened is that when developers have come in seeking approval, whether we know them or not, there has been signs (INAUDIBLE)?

ATTORNEY SCHATZ: I am operating under the present assumption that our four signs out there are under what I call a death sentence, that is what I call the amortization law in Farmington.

REP. BARNES: Then you're addressing yourself to billboards and not then to retail and commercial and industrial establishment...

ATTORNEY SCHATZ: I am addressing myself all premise outdoor advertising signs, billboards, yes.

CHAIRMAN RITTER: Thank you very much.

ATTORNEY SCHATZ: You are breaking the schedule. Deputy Commissioner of the Department of Environmental Protection, Mel Schneidermeyer will speak next, followed by Larry Kolp.

CHAIRMAN RITTER: You have no more than one hour.

I hand out the packet to you and I will sort of refer back and forth to the bill. The reason is we know it is very difficult for any Committee...the General Assembly that has a thousand or more bills before you to try to work over and try to review these things and look at the language.

REP. RITTER: This Committee has only 400.

MONTE LEE: 400? Excuse me. 400 bills will take quite a bit of your time. 400 bills if that's what you have...then you have 10% of them dealing with planning and zoning if we talk of numbers. The thing that we've done in the way of our Legislative Committee is to try to take the language and present in this packet here... really show you what is the language today and what changes we recommend. What we are trying to do in essence is help you draft the changes. Because one of the things we find is that if we just come to a hearing and we make a comment and we go away, that sometimes what our thoughts and our concepts and our concerns are get somehow or other twisted around in the inner workings of writing the law.

Well, I think based on a track record we find that they cause more confusion than (INAUDIBLE). I think basically the packet here and the bills that we would like to address House Bill 6288 deals with what on the hand-out there is referred to as Section 1. There are several items within this particular bill we are viewing section 8-2 of the statutes that pertains to zoning. If I can briefly summarize...basically the one thing that we are talking about here in trying to address is the issue of saying that zoning regulations should be consistent with the town's plan of development. Right now you say it must be consistent with a comprehensive plan and there is considerable controversy as to what does that mean? Does that mean when you adopt a zoning map that is different from the plan of development that it follows a zoning map or is it the (INAUDIBLE). In other sections in the statutes, it says the towns shall adopt a plan of development and I think to date most of the towns through the aids of many planning agencies have adopted plans and development. And currently have this as a guide to (INAUDIBLE) these decisions. And what we are doing is trying to clarify an issue that has been flexible many times over the years.

The next thing that we talk about is promoting a (INAUDIBLE)

character of design preserving important historic and environmental features. What we are trying to do is broaden the language as it pertains to the purpose that can be accomplished through the zoning process. And there is another member of our Committee that will also address this issue. Basically, a lot of towns that have exercised certain privileges and the problem we have right now in the case of laws is no clear-cut case law to really define what you can do and what you can't. There are a lot of towns that are concerned with preserving historic character, preserving the environment.

They are concerned with aesthetics. And based on the conversations that we have to date in the working of our Committee, the sessions I have had with some attorneys...we find that basically by adding these couple of words to our statutes, we can do a tremendous asset to the towns in providing them with a clear-cut (INAUDIBLE) whereby they could protect the environment. They could use only as a tool to accomplish these aims that we put forth here. The last part of this proposal deals with the question of nonconformities. Again, there is another member of our Committee that is here to talk about the question of nonconformities as it pertains to signs and to nonconforming uses. In essence, the concept is one that is felt that basically the nonconformities...and this was addressed earlier in your hearing...is something that truly (INAUDIBLE).

The reason now the fact that when zoning went into effect, the only way you could get it into effect was you made most uses sort of (INAUDIBLE) nonconforming. One of the principles of zoning is to try to upgrade nonconformities if you can. And the thing that we are bringing forth here is an idea that says let's address this issue of nonconformity. Let's address the issue of nonconforming signs. Let's address the question of nonconforming uses. I might make this an editorial distinction. The gentleman that was before you earlier with the question of signs seemed to allude to nonconforming uses as having to do with setbacks and size of the building, and how high it is. That is not a nonconforming use; it is known as a nonconforming structure. It is a nonconforming building. Use deals with how that structure is utilized. Is it a house? Is it a commercial building? Is it an industrial building?

In the hand-out, the next thing we will talk about is section 8-3

Southington although I am not positive on that. The case that the Supreme Court did not allow a town, the Town of Southington to have the developer directly financially contribute to the town for other parks in that town. The second bill...or are there any questions on that.

The second bill I would like to testify on is 6288 which has a number of provisions in it. The first one is clarifying what is meant by comprehensive plan. And the wording is "a comprehensive plan," but in accordance with the municipality's plan of development. Now most attorneys who come before commissions when they talk about the comprehensive plan are talking about the zoning map. And they have a lot of case law to show them that that is what the comprehensive plan means. In planners language, the comprehensive plan means the plan of development that the town Planning and Zoning Commission has passed and relates to what the town should look like five or ten years in the future. It would take the courts to ...terminology using the comprehensive plan as a zoning map and the zones could never be changed because you would always be offering something that is not in conformance with the comprehensive plan or not in conformance with the zoning map.

I think this language would clarify that and would allow the communities to relate changes in the zoning map to their plan of development that has been approved for what they want their town to look like in the future and not to what the zoning map looks like or what the town looks like now and is zoned for right now. The next section is an added sentence to promote aesthetic character and design in the community. I have been involved in this issue in Norwalk. I was Assistant Director and now in Wethersfield...Norwalk that kind of regulation was defeated although I thought it had great community support. And in Wethersfield it was inactive. There are many communities which have this regulation in their zoning ordinances and base it on the general welfare power that the statute gives the municipalities saying that aesthetics related to general welfare.

I think this...even though communities do this...this would set it up specifically in the statutes and would allow communities to specifically do it. One of the ways it lost in Norwalk was the people against it saying that the statute did not specifically allow it. And I think this would do that. And now the 7-147 the Historic District Statute allows aesthetic zoning really. The Historic District Commission set

up the Historic District and it is aesthetically zoned in that district. So I think the Legislature allows this in certain situations which we would allow it to all towns. I think to preserve the historic and environmental features, also goes along with that, and I think that towns that have these design ordinances attract better development. Because developments that go in there know that the person next door to them is going to have to conform to these designs and environmental features. And so if he puts up a nice looking building or spends extra money in putting up something that isn't offensive to the community, he knows that the person next door will have to do that also. So I think that this is one way we attract better development in town by having these things in the statutes...you know in our local regulations.

HB-6149

The other issue is the nonconforming signs issue that has been talked about. This is a problem in Wethersfield. I have tried two or three times to propose sign ordinances to the Planning and Zoning Commission and there has been many amendments and right now it is in the process of being refined again. Right now it is a nightmare for the Commission and for the people who want to put up signs. People want to put up signs--free standing signs have to go to the Zoning Board of Appeals and the Planning and Zoning Commission. They have to go through two procedures because we have these design control on the signs and also our zoning ordinances don't allow free standing signs. We are trying to come up with a uniform sign ordinance. I think this nonconforming sign section in here would allow that to happen. It would allow the Commission to say, these are the kinds of signs we want in town. I think one of the misconceptions is that we are...people are trying to prohibit signs.

No where that I have been dealing with sign ordinances has anyone been trying to prohibit signs. We are trying to get aesthetically pleasing, attractive signs. And what this would do would say, this is a new ordinance, these are our standards. These are what we want the signs to look like in five years. And you can amortize your sign over five years...get your value out of it, where this sets up a minimum of five years. Whatever the community wants to, five years at the least, ten years, eight years, whatever. Get your value out of it and then you have to conform to our new ordinance. (INAUDIBLE) mentioned the Vermont case and I have done some research on this with our sign ordinance. There are cases in New York and in Rhode Island that are mentioned in (INAUDIBLE). My reference was (INAUDIBLE) that sets up rights, new rights on planning and zoning law. And his

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bread and butter (INAUDIBLE) in this Session of the Legislature and I challenge you to put these things in (INAUDIBLE) recognize. And (INAUDIBLE) responsibility, not the bread and butter stuff.

TOM WUERTH: Well, I think I'm not speaking. I'm here as I stated as the Town Planner for the Town of Guilford. I think that Mr. Lee unequivocally stated the Chapter in towns to proceed in this broader aspect. And I believe that at meetings we've had with you and certain members informally, that the reasons for this has been that the Chapters have felt that they have been knocked down so many times in the past...the proper attitude that the General Assembly is going to take. But that is talking about chapter and I am speaking to the more limited perspective. I am talking about the Town of Guilford today. Instead of going through (INAUDIBLE) spoken to in the chapters suggestions I have limited to these various bills that I have mentioned.

REP. RITTER: Thank you very much.

JAMES M. BOLGER: Chairman Ritter and Members of the General Law Committee I do promise you I will be very brief. My name is Jim Bolger and I am the General Manager of Murphy Advertising Company, the outdoor firm that operates in Central Connecticut...Waterbury, Meriden, New Britain, Bristol, headquartered in Waterbury. We also have Litchfield County and the Northwestern part of the state as part of our service area.

I am speaking in opposition to those bills which would call for the amendment of 8-2 specifically 7507, 848, 6149, 6402 and 6288. The latter three of those numbers of course effect signs in specifics. (INAUDIBLE) general repeal of that nonconformity. Attorney Schatz when he was talking about the (INAUDIBLE) and the Grandfather clause and the need for that, made a very strong statement, I believe. But there is also another point that I would like to make relating to the fact that nonconformity is not a static situation. I will give you an example of an outdoor firm that leases...or buys a piece of property to erect a structure and goes through the tedious aspect of checking zoning, local regulations, state regulations, federal regulations invest a sizable number of dollars to erect the structure for leasing to advertising to bring in dollars to the community and to promote the local businessman as well.

And then in an effort of wisdom the local planning agency may decide

to change the master plan which would effect the stretch of road, and not single out the industry itself. Overnight then would become nonconformity despite the good faith with which we made the investment. While calling for amortization obviously there is no way that we can be compensated under that contract.

REP. RITTER: How long would you say it would take to be compensated?

JAMES M. BOLGER: Well, I can say that signs that have been enforced for some 25 years even the older forms in signs and many of them...I shouldn't say many...few of them are actually nonconforming. They have appreciated over the term of those years by nature of their function. That is, they serve to...a standard structure to serve the needs of the national, regional, local advertising. Therefore, as costs go up, the actual cost to the advertiser has to go up...

REP. RITTER: Suppose you were talking about original cost?

JAMES M. BOLGER: If you are talking about nuts and bolts, then you are talking about say "x" number of dollars, the fact that you have loss of income of course is irreplaceable.

REP. RITTER: Well, nuts and bolts (INAUDIBLE) profit on your original investment.

JAMES M. BOLGER: I don't think it is ever compensable under those terms, I'm trying to say. The Federal Government of course exercises a compensation program under the terms of the Beautification Act. What goes under their terms is the only term thus far reproduction less appreciation. They recognize however in theory that the income approach is the only fair compensation, that's it. And I think this will be the stress toward future compensation efforts on the Federal Government to have. More insidious in my mind is the fact that an amortization concept can become a vehicle for local planners to actually prohibit outdoor advertising and that of course is unconstitutional and (INAUDIBLE). But if you don't have the situation where you have to compensate anybody it is very easy to pass such restrictive local sign ordinances. In effect, we would be out of business in that particular community and of course it could grow. Those are my comments.

REP. RITTER: Thank you. The next speaker will be Doris McLellan.