

Act Number:	09-181	
Bill Number:	5254	
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Yes. Thank you, Mr. President. Moving to Calendar Page 13, Calendar 659, House Bill 6459 is marked go.

Mr. President, and moving to Calendar Page 15, Calendar 680, House Bill 5821; Mr. President, move to place that item on the Consent Calendar.

THE CHAIR:

There's a motion on the floor to place Calendar Number 680 on the Consent Calendar. Without objection, so ordered, sir.

SENATOR LOONEY:

Yes. Thank you, Mr. President. Mr. President, moving back, I missed an item on Calendar Page 13, Mr. President -- excuse me -- Calendar Page 13, Calendar 663, House Bill 5254. Mr. President, I move to place that item on the Consent Calendar.

THE CHAIR:

There's a motion on the floor to place Calendar Number 663 on Consent Calendar. Without objection, so ordered, sir.

SENATOR LOONEY:

Yes. Thank you, Mr. President. Mr. President, Calendar -- moving to Calendar Page 16, Calendar 684, House Bill 6231; Mr. President, I move to place that item on the Consent Calendar.

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Mr. Clerk, please call Consent Calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the chamber.

Mr. President, those items placed on the Second Consent Calendar --

THE CHAIR:

Mr. Clerk, please hold for a second.

I'm trying to hear the Clerk call the Consent Calendar and I'm sure you don't want to miss that vote either, so if I could have your attention and quiet, please.

Mr. Clerk.

THE CLERK:

The items placed on the Second Consent Calendar begin on Senate Agenda 1, substitute for House Bill 6486, substitute for House Bill 6649. Senate Agenda Number 3, House Bill 6394. Today's Calendar, Calendar Page 3, Calendar 317, Senate Bill 586; Calendar Page 4, Calendar 455, House Bill 5018; Calendar Page 7, Calendar Number 593, Substitute House Bill 5286; Calendar Page 8, Calendar 606, substitute

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for House Bill 5883; Calendar Page 9, Calendar 619,
House Bill 6343; Calendar 626, House Bill 6476;
Calendar 629, substitute for House Bill 6232; Calendar
Page 10, Calendar 634, House Bill 6544; Calendar 636,
substitute for House Bill 6483; Calendar Page 11,
Calendar 649, substitute for House Bill 6466; Calendar
Page 13, Calendar 663, substitute for House Bill 5254;
Calendar Page 15, Calendar 680, substitute for House
Bill 5821; Calendar Page 16, Calendar 684, House
Bill 6231; Calendar Page 17, Calendar 689, substitute
for House Bill 5421; Calendar Page 18, Calendar 695,
substitute for House Bill 6419; Calendar Page 19,
Calendar 699, substitute for House Bill 6284; Calendar
Page 21, Calendar 711, House Bill 5099; Calendar 712,
substitute for House Bill 6025; Calendar Page 22,
Calendar 718, substitute for House Bill 5861; Calendar
Page 23, Calendar 720, substitute for House Bill 5108;
Calendar Page 32, Calendar 450, House Bill 6233;
Calendar 467, substitute for Senate Bill 1031; and,
Calendar Page 35, Calendar 205, substitute for Senate
Bill 948. Mr. President, that completes the items
placed on the Second Consent Calendar.

THE CHAIR:

Will you please call the Consent Calendar? The
machine will be open.

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THE CLERK:

The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the chamber. The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be closed. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar
Number 2:

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, would move for immediate transmittal to the House of Representatives of any items voted on, on Consent Calendar Number 2, requiring additional action by the

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288.

THE CLERK:

On Page 35, Calendar Number 288, Substitute for
House Bill Number 5254 AN ACT CONCERNING EXTENDING THE
TIME OF EXPIRATION OF CERTAIN LAND USE PERMITS.

Favorable Report of the Committee on Environment.

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey of the 88th, you have the
floor this evening, sir.

REP. SHARKEY (88th):

Thank you, Mr. Speaker. Mr. Speaker, I move
acceptance of the Joint Committee's Favorable Report
and passage of the bill.

DEPUTY SPEAKER ALTOBELLO:

The question before the Chamber is acceptance of
the Joint Committee's Favorable Report and passage of
the bill. Please proceed, sir.

REP. SHARKEY (88th):

Thank you, Mr. Speaker. Mr. Speaker, this bill
would recognize the fact that we are in an economic
downturn and would offer a hand to those who have
gotten land use approvals over the course of the last
few years, who might be facing, because of the
difficulties in our economic conditions, may be facing

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the expiration of their permit that they previously received.

This would establish, this bill would establish an extension of those time frames to allow developers to have a little extra time to complete projects that they have had previously approved.

Mr. Speaker, the Clerk has an amendment, LCO Number 7300. I ask that it be called and I be given leave of the Chamber to summarize.

DEPUTY SPEAKER ALTOBELLO:

Would the Clerk please call LCO Number 7300, which shall be designated House Amendment Schedule A.

THE CLERK:

LCO Number 7300, House A offered by
Representatives Sharkey and Aman.

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey, please proceed, sir.

REP. SHARKEY (88th):

Thank you, Mr. Speaker. Mr. Speaker, this amendment actually shortens the timeframes that we are offering to those would-be development approvals.

What we're saying is that for anyone who has received an approval, a land use approval from July 1, 2006 to the present, that within those three years,

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those are the folks who are most impacted by the economic downturn, and we're only offering them through this amendment, one additional year of extension, automatic extension.

What this means is that the developer or the applicant who's received their approval will not have to go back to the local land use agency for re-approval or re-extensions, or extensions of their approvals. They'll have an automatic one-year extension, again, just to help them try to get over the hump of the current economic crisis.

So with that, Mr. Speaker, I would move adoption.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Sharkey.

Representative Aman of the 14th, do you care to comment on House A.

REP. AMAN (14th):

Thank you, Mr. Speaker. Yes. The amendment fulfills one of the problems that we had when we were drafting the bill as to how to have the timelines correct, and I believe the amendment does give us the timelines that will help both the municipality and the developer and urge passage of the amendment.

DEPUTY SPEAKER ALTOBELLO:

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Thank you, Representative Aman. Representative Chapin of the 67th, do you care to comment on House A?

REP. CHAPIN (67th):

Thank you, Mr. Speaker, a couple of questions to the proponent of the amendment.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. CHAPIN (67th):

Thank you, Mr. Speaker. It would appear that we're changing the effective date to effective from passage. Can the gentleman tell me why that was an important change to propose? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Okay. Actually we have two proponents of the bill that spoke before you. Would that be directed to Representative Sharkey?

REP. CHAPIN (67th):

Yes, it would. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Indeed. Representative Sharkey, you have the floor.

REP. SHARKEY (88th):

Mr. Speaker, the reason why we wanted to move it

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from July 1, 2009 to effective from passage was that there are those applicants who have received these permits who are now in a situation where they are seeking financing or needing approvals, so we felt it was more appropriate to not wait until July 1st, but rather make it effective upon passage. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker, and again, through you, was that concern a concern that was expressed during the public hearing process? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY (88th):

Mr. Speaker, through you, as I recall, I can't recall all the testimony from the public hearing, but it was something that was requested by advocates who did speak in favor of this bill during the public hearing.

It was something that actually came to our attention more recently, though, as far as the effective date and that's the reason we made this

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change in this amendment.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker. And again, through you, did the changes that are reflected here in this amendment, did they have the support of some of the municipal land use organizations, CACE WIC, the zoning enforcement officer association? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY (88th):

Mr. Speaker, through you, my file does not indicate the CACE WIC and those other organizations, which is the organization of wetlands officers, and the other organizations that the good gentleman recommended.

I don't see a record of them having made comment during the public hearing on this amendment. This was something that was actually discussed between the Home Builders Association, as well as CCM and this was a compromise that those two organizations were involved

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with. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Sharkey and thank you for engaging the Chamber and explaining what a CACE WIC is.

I was about ready to rule somebody out of order, perhaps for language. Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker. I think that will end my questions on this amendment. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Further on House A. Further on House A. If not, I'll try your minds.

All those in favor please signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ALTOBELLO:

Opposed? The Ayes have it. House A is adopted.
Further on the bill as amended? Representative Berger of the 73rd, you have the floor, sir.

REP. BERGER (73rd):

Yes, thank you, Mr. Speaker and congratulations to Representative Sharkey and his Committee for another fine bill this evening, here, and the Ranking

Member.

And when we talk about land use, Mr. Speaker, I think it's appropriate that when we talk about land use, we talk about the clean up of brownfields in this great State of Connecticut.

Because if we're going to talk about how we use land, the effectiveness of that land, the creation of tax revenue, jobs, we can only talk about, Mr. Speaker, the clean up of brownfields, contaminated sites and how it drags down and ruins the integrity of our state economically, and it ruins the integrity of our state as we view it as pristine and beautiful.

Mr. Speaker, I have an amendment, but I'm not going to call it, and I think everyone in the Chamber understands the importance of brownfields remediation and development, and a true funding source, Mr. Speaker, that needs to be found to fund it.

And that funding source, through the uncalled amendment, Mr. Speaker, talks about raising filing fees, and that's going to be for a debate when we debate our budget, and leadership on both sides of the aisle, I hope in their ultimate wisdom will come to the decision of finally funding brownfields remediation and development.

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This will probably not be the last time we hear this through the course of the remaining Session, and I thank this Chamber's indulgence in this important endeavor.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Berger. Further on the bill as amended? Representative Aman? Further comments on the bill as amended?

REP. AMAN (14th):

Thank you, Mr. Speaker. Yes, I just would urge my colleagues to vote for the bill as it is amended. It does give developers a one-year extension. I think this is going to help with their financing. I think it's going to help with their bonding. I think it's going to make life easier for the municipalities as they're looking at subdivisions and projects that are starting to get close to their expiration date.

This, as a practical matter, will give them one more year. For most of them it means approximately three years more before they will be in violation of their permits, and by that time, hopefully, the economy will have turned around and all of them will be successfully built out and we will not have to revisit this situation again.

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Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Ranking Member Aman. Further on the bill on the amended? Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker, just briefly. I do want to also commend Representative Berger for his hard work on the brownfields issue. It really is at the core of what we are talking about with regard to smart growth, to take properties that have been active, that have been existing, that have had these kinds of conditions on them for a while that need to be redeveloped.

We do need to find funding sources for them. I appreciate his passion for this issue. I appreciate his not calling the amendment on this particular bill, but I also want to let this Chamber know that he and I have been working very closely together on this issue, and hopefully we'll find a solution. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Sharkey.
Representative Mushinsky of the 85th, you have the floor, Madam.

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REP. MUSHINSKY (85th):

Thank you, Mr. Speaker. I had opposed this bill earlier in the Environment Committee because I thought it was a little too generous for folks to have a 13-year permit extension, but this amendment, House Ahas tailored that down and is much more reasonable, and I will support the bill on the floor. Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Mushinsky. Further on the bill as amended? Further on the bill as amended?

If not, staff and guests retire to the Well of the House. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by Roll Call -- members to the Chamber.

The House is voting by Roll Call. Members to the Chamber, please.

DEPUTY SPEAKER ALTOBELLO:

Have all Members voted? If all Members have voted, please check the board to make sure your vote is properly cast --

If all Members have voted, the machine will be locked. Would the Clerk please take the tally.

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And would the Clerk please announce the tally.

THE CLERK:

House Bill Number 5254 as amended by House A.

Total Number Voting 140

Necessary for Passage 71

Those voting Yea 138

Those voting Nay 2

Those absent and not voting 11

DEPUTY SPEAKER ALTOBELLO:

The bill as amended is passed.

From the Silver City --

Will the Clerk please call Calendar Number 599.

THE CLERK:

Calendar Number 599 on Page 24, Senate Bill

Number 989 AN ACT CONCERNING THE ALZHEIMER'S RESPITE

CARE PROGRAM. Favorable Report of the Committee on

Public Health.

DEPUTY SPEAKER ALTOBELLO:

From the Silver City, Representative Abercrombie,
you have the floor, Madam.

REP. ABERCROMBIE (83rd):

Thank you, Mr. Speaker. I move for acceptance of
the Joint Committee's Favorable Report and passage of
the bill.

**JOINT
STANDING
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**PLANNING AND
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BILL ETHIER: Thank you, Senator Coleman, Representative Sharkey, members of the Planning and Development Committee, I appreciate the opportunity to be with you today. I'm Bill Ethier. I'm the chief executive officer of the Home Builders Association of Connecticut. I've submitted written testimony on 19 bills before you today. I could have done more, but I'm trying to be kinder and gentler on you, but I'm going to start with expressing our strong support for bill 5254. That's regarding extending the time of expiration for certain land use permits.

Just as a quick background, I think, as you all know, for site plan approvals, subdivision approvals and inland wetland approvals, all from local government, they expire after five years. You have to do all your development work under those permits within five years. What this bill would do would be a temporary extension of those five-year permits extended to eight years. Due to the severe national recession, markets are quiet, to put it as an understatement, lending is more difficult even for approved projects. Having to go back and redo those applications if they expire is a very expensive proposition. This is again a temporary extension that will allow markets and lending practices to essentially to catch up with existing approvals. It will provide a necessary dose of certainty to approved projects so that they know they won't expire before the market has a chance to come back, and it will prevent the undoing of a number of literally hundreds of approvals across the state that would not have expired but for the extraordinary economic conditions we find ourselves in. I would point out that a number

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of other states are looking at doing the same thing, according to my counterparts in other states. I believe New Jersey has adopted a bill that would extend both local and state permits by three and a half years due to the same reasons.

Quickly moving on, we also express strong support for ~~5868~~ regarding economic development teams. This would create some system to help streamline and coordinate our permitting systems. It's very similar to another bill that you have in your possession, Senate Bill 580, that was offered by Senator Bob Duff. It's not on your hearing agenda today, but it's in your possession so we strongly support doing something to help do that.

And I'll wrap up quickly. We support ~~5861~~ regarding establishing a state agency permit deadline for municipal permits. We'd like to see that extended to all permits. We also support the concept of land value taxation. I have testimony on that. You have seven bills before you today. We would like to see that as a very useful tool that all municipalities could use.

And then finally, lest you think that we're supporting everything today, I think those of you who know me know me better, we do oppose a number of bills, most of the local option new taxes or new fees. Our economy, our businesses and our citizens just cannot establish anymore fees or taxes. If you're going to do something, make it revenue neutral. We have no problem with giving municipalities additional taxes but back off on state taxes to make it revenue neutral.

**JOINT
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HEARINGS**

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2009



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THE VOICE OF LOCAL GOVERNMENT

TESTIMONY

of the

CONNECTICUT CONFERENCE OF MUNICIPALITIES

to the

PLANNING & DEVELOPMENT COMMITTEE

February 18, 2009

CCM is Connecticut's statewide association of towns and cities and the voice of local governments - your partners in governing Connecticut. Our members represent over 93% of Connecticut's population.

We appreciate the opportunity to testify on the following bill of interest to towns and cities:

Prop. H. B. 5254, "An Act Concerning Extending the Time of Expiration of Certain Land Use Permits"

CCM is concerned that, under H.B. 5254, municipalities may lose protections for such things as infrastructure completion and maintenance for extended periods. Developers occasionally walk away from projects leaving towns to hold the bag; the longer permits are valid the greater the chance this may happen. On the other hand, an arbitrary drop dead date may result in projects being abandoned unnecessarily. It would make more sense to base the expiration period on a project's size and scale.

Any extensions beyond the initial expiration deadline (whether 8 years or 5 years) should remain discretionary.

##

For more information, please contact Jim Finley, Gian-Carl Casa or Ron Thomas of CCM at (203) 498-3000.



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*Your Home
 Is Our
 Business*

February 18, 2009

To: Senator Eric Coleman, Co-Chairman
 Representative Brendan Sharkey, Co-Chairman
 Members of the Planning & Development Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: Proposed Bill 5254, AAC Extending the Time of Expiration of Certain Land Use Permits

The HBA of Connecticut is a professional trade association with almost one thousand, three hundred (1,300) member firms statewide, employing tens of thousands of Connecticut citizens. Our members are residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to this diverse industry. We also created and administer the Connecticut Developers Council, a professional forum for the land development industry in the state.

The HBA of Connecticut strongly supports Proposed Bill 5254 and offers its assistance in drafting the bill.

As background, under Connecticut law, municipal approvals of site plans under our zoning statutes, subdivisions under our planning statutes and inland wetland permits all have a five year expiration. That is, the authorized development work must be completed within five years from the date of approval. Applicants may seek a discretionary extension from the applicable local commission for an additional five years. **Proposed Bill 5254 would, for only certain already approved site plans, subdivisions or inland wetland permits, extend the initial five year expiration to eight years to allow the markets (buyers and lenders) to catch up with these existing approvals.**

Due to the severe national recession, many segments of Connecticut's economy have been drastically affected, but none as severely as the state's real estate and construction sectors. Much of the marketplace of buyers has gone silent. Many are waiting until economic and job conditions improve. Lending standards have also greatly tightened for both buyers and builders who are holding approved site plan permits, subdivisions and inland wetland permits. The industry wide decline in demand and tighter lending practices have adversely affected home builders and commercial, office, retail and industrial developers, producing cancelled orders, declining sales and rentals, price reductions and employee layoffs.

The process of obtaining site plan, subdivision and inland wetland approvals is expensive and time consuming, for both private and government applicants. Due to the extraordinary economic environment that exists today, currently existing approvals may expire and that would severely exacerbate the losses the industry has already sustained.

Testimony, Home Builders Association of Connecticut, Inc.
PB 5254, AAC Extending the Time of Expiration of Certain Land Use Permits
February 18, 2009, page 2

The automatic three year extension proposed in bill 5254 would provide a necessary dose of certainty that existing approvals will not lapse and new, expensive, time consuming approvals will not have to be sought.

Proposed Bill 5254 will prevent the undoing of thousands of government approvals that would not have occurred but for the extraordinary economic conditions we all face.

The bill would prevent the wholesale abandonment of approved projects and activities due to the present unfavorable economic conditions by essentially tolling the term of existing approvals for a brief period of time that will allow the economy, markets and lending to recover, preventing a waste of public and private resources.

The extension of permit expirations is temporary because it affects only those approvals obtained prior to July 1, 2008. Also, **other states are considering or have adopted similar extensions** to permit expiration dates. We believe New Jersey has extended all municipal and state permits by three and one-half years.

Please vote to draft and support Proposed Bill 5254 and urge its passage by the General Assembly as quickly as possible.

Thank you for the opportunity to comment on this critically important legislation.