

| | | |
|----------------------|---|-----------|
| Act Number: | 09-190 | |
| Bill Number: | 5861 | |
| Senate Pages: | 5676, 5701-5703 | 4 |
| House Pages: | 7964-7969 | 6 |
| Committee: | Commerce: 741-743 Planning and Development: 181-186, 201-205, 436-439 | 18 |
| | Page Total: | 28 |

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
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mhr
SENATE

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Consent Calendar. Without objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Moving to Calendar Page 22, Mr. President, Calendar 716, House Bill 5474. Mr. President, that item is marked go. And also on Calendar Page 22, Mr. President, Calendar 718, House Bill 5861. Mr. President, would move to place that item on the Consent Calendar.

THE CHAIR:

There's a motion on the floor to place Calendar Number 718 on the Consent Calendar. Without objection, so ordered.

SENATOR LOONEY:

Yes. Thank you, Mr. President. Moving to Calendar Page 23, Calendar 719, House Bill 6676 is marked go. And also, Mr. President, on Calendar Page 23, Calendar 720, House Bill 5108. Mr. President, would move to place that item on the Consent Calendar.

THE CHAIR:

There's a motion to place Calendar Number 720 on the Consent Calendar. Without objection, so ordered.

SENATOR LOONEY:

Yes. Thank you, Mr. President. Mr. President, also continuing Calendar Page 23, Calendar 722, House

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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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Representative Merrill.

REP. MERRILL (54th):

Yes, Mr. Speaker, I move we waive the reading of Senate Favorable Reports and the bills be tabled to the Calendar.

SPEAKER DONOVAN:

Without objection, so ordered.

We're awaiting some copies so the Chamber will please stand at ease.

(CHAMBER AT EASE)

SPEAKER DONOVAN:

Will the Clerk please call Calendar 235?

THE CLERK:

Because you asked for it...

(LAUGHTER)

(APPLAUSE)

On page 35, Calendar 235, Substitute for House Bill number 5861, AN ACT CONCERNING THE PROCESSING OF MUNICIPAL APPLICATIONS FOR STATE PERMITS, Favorable Report of the Committee on Appropriations --

REP. CAFERO (142nd):

Mr. Speaker.

SPEAKER DONOVAN:

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Yes, Representative Cafero, for what reason do you rise?

REP. CAFERO (142nd):

I'm bored as hell and I just wanted to say "Hi" -

-

(LAUGHTER)

SPEAKER DONOVAN:

There's a quorum, there's a quorum, Representative.

(LAUGHTER)

(APPLAUSE)

SPEAKER DONOVAN:

Representative Mae Flexer.

REP. FLEXER (44th):

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

SPEAKER DONOVAN:

The question is acceptance of the Joint Committee's Favorable Report and passage of the bill. Will you remark, madam?

REP. FLEXER (44th):

Thank you, Mr. Speaker. The Clerk has an

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Amendment, LCO 8532 and I'd ask that I be granted leave of the Chamber to summarize and the Clerk call the Amendment.

SPEAKER DONOVAN:

Will the Clerk please call LCO 8532 which will be designated House Amendment Schedule "A".

THE CLERK:

LCO number 8532, House "A" offered by
Representatives Sharkey, McCloskey, Flexer, Aman,
Piscopo and Senator Harris.

SPEAKER DONOVAN:

The Representative seeks leave of the Chamber to summarize. Is there objection to summarization? Representative Flexer, you may proceed with summarization.

REP. FLEXER (44th):

Thank you, Mr. Speaker. Mr. Speaker, the Amendment before us is a strike-all Amendment. It replaces the underlying bill. It is a bipartisan Amendment and the overall goal of the Amendment is to establish a time line by which the Department of Public Health and the Department of Environmental Protection and the Department of Transportation grants

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notice to municipalities when they receive applications or requests for permits from those municipalities.

I move adoption.

SPEAKER DONOVAN:

Questions on adoption of House Amendment "A"?
Will you remark? Remark? Representative Aman.

REP. AMAN (14th):

Yes, Mr. Speaker, as we begin our nine-hour debate on this bill --

REPRESENTATIVES:

No.

(LAUGHTER)

REP. AMAN (14th):

-- I think the proponent bringing it out did explain what the bill does. In the course of our Planning and Development meetings and our Smart Growth Task Force, one of the things that came up on a fairly regular basis was from both private industry and from the municipalities saying that when they began their permit process, they were always in a state of sending in applications, sending in information and never sure -- quite sure when they were going to get a response

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back. This bill addresses that issue for the municipalities. And it doesn't tell the agencies that they have to make a decision or what the decision has to be. All it does tell them is that they have a period of time to look at the paperwork that has been submitted and say "Yes, you've submitted the proper paperwork and we can start looking at the project and making a determination." So I do think it will be one step forward to making our government in Connecticut more efficient and I urge passage of the bill.

SPEAKER DONOVAN:

Thank you, Representative. Remark further on the Amendment? Remark further on the Amendment. If not, let me try your minds. All those in favor, please signify by saying "Aye."

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

All those opposed "Nay." The Ayes have it. The amendment is adopted. Will you remark further on the bill, as amended? Remark further on the bill as amended? If not, staff and guests, please come to the Well of the House. Members take their seats. The

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machine will be open.

THE CLERK:

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

SPEAKER DONOVAN:

Have all Members voted? Have all the Members --
Have all the Members voted? Have all the Members
voted? Please check the Roll Call board to make sure
your vote has been properly cast. If all the Members
have voted, the machine will be locked.

The Clerk will please take a tally?

Will the Clerk please announce the tally?

THE CLERK:

House Bill 5861 as amended by House "A".

| | |
|-----------------------------|-----|
| Total Number Voting | 142 |
| Necessary for Adoption | 72 |
| Those voting Yea | 142 |
| Those voting Nay | 0 |
| Those absent and not voting | 9 |

SPEAKER DONOVAN:

Bill as amended is passed.

**JOINT
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**COMMERCE
PART 3
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2009

REP. BERGER: -- we do things differently here.

BILL ETHIER: -- I understand.

REP. BERGER: It's the -- it's the chair's prerogative.

BILL ETHIER: I absolutely agree and I understand that. So I do apologize. My name is Bill Ethier. I'm the Chief Executive Officer of the Home Builders Association of Connecticut. And we represent about 1300 builders and others associated in the industry. We estimate that our members build between 70 and 80 percent of all the housing units in the states, from single family homes, to apartment towers and condos.

And I just wanted to step up to express our strong support, unqualified support for the last bill in your agenda, 6506, about streamlining the -- the permitting process. I can't express enough how difficult it is -- the permitting process in this state, both at the local level and the state level. And I just wanted to alert the committee of some similar efforts that are going on right now, with other legislation. There are three bills in the Planning and Development Committee that have -- they've had a public hearing on one. A raised bill just came out yesterday, or the day before. And you actually had a bill that you did a straight change of reference to the P & D committee, Senate Bill 508. That was offered by Bob Duff.

[HB5861]

[HB6586]

[SB580]

And, you know, I would urge you to -- to sort of coordinate these -- these bills. They all take a different approach. I think yours is actually the best approach that I've seen. And I would urge you just to coordinate with those committees. And I would also reference,

for your -- your reading, a report that was done by the legislatures Blue Ribbon Commission on housing and economic development. That was the group that was -- that worked last year. They issued a report, I think, in January. That was the group that was chaired by Mayor Mark Boughton of Danbury.

Part of their documents that they obtained during their research, if you will, was a report that talked about the due diligence checklist for developers. And what that report showed that, when you come in with a development project anywhere in the state, you have potentially 35 different stops or permissions just at the local level. You have an additional possible 25 stops, permits, or approvals at the state level. You add on top of that, federal permits, approvals you need to obtain from utilities, and then of course, interventions from interveners, and (inaudible) and others who oppose your project, you have a perfect storm of a permitting nightmare in this state.

So I would urge you to take a look at that report. I can certainly provide that to the committee if you'd like. And just on the bill itself, the only other comment I would have on the specific language, if you look at lines 10 and 11, where it talks about having a 45-day to get back to the applicant after the receipt of an application, what will happen is, you'll have state agencies who will use that to not meet with you. Because a lot of state agencies will not officially receive your application until you've received a lot of the other approvals. So I would just suggest changing that to after filing an application, that might help improve the process. And again, I apologize for not checking in with the clerk.

REP. BERGER: No, that's fine. Thank you for your testimony. You know, we're working together with the Planning and Development, and Representative Sharkey is very, very concerned, as I am, and this committee is, on -- on that -- on that process of permitting and the cumbersome mechanism that exists throughout our municipalities in the -- throughout the State of Connecticut. So, you know, we're very cognizant of it. You know, Planning and Development, I think tomorrow's hearing some of these -- some of these topics, so -- or next week.

BILL EITHER: I know all the smart growth bills are -- for Monday.

REP. BERGER: Monday. Right. Okay. So, you know, so we're going to be working together on that. So don't waste your concern, we're -- we're on it. Okay.

BILL EITHER: All right.

REP. BERGER: Sorry for such a tough year in the commercial real estate and development areas here.

BILL ETHIER: It's been tough. We are at the lowest number of housing permits ever recorded.

REP. BERGER: I know. Okay. Any questions or comments from the committee. Thank you.

BILL ETHIER: Thank you.

REP. BERGER: Okay. That concludes the Commerce Committee meeting for today. The next meeting is Tuesday, 10:00 am, in room 1-D. Thank you.

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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

SB 580HB 5868HB 5861

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.

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February 18, 2009
11:00 A.M.

And with that, I know my time is up, I'll be happy to answer any questions that you may have.

SENATOR COLEMAN: Thank you.

Are there questions for Mr. Ethier?

Senator Fasano.

SENATOR FASANO: Thank you, Mr. Chairman.

Mr. Ethier, just a couple of questions. My experience has been that when you talk about developments is the ability to get any type of loan on raw land is basically completely disappeared from a bank's portfolio. Do you concur with that statement?

HB 5861

BILL ETHIER: Absolutely. We have a number of anecdotal reports and complaints from our members that lending has become extremely tight, certainly on raw land, but I'm talking even for approved projects developers have ongoing acquisition development financing, construction financing, you have approved projects, all your permits are in place, the lenders are now really tightening up on getting additional loans as they go forward.

SENATOR FASANO: In addition to that I think, right, a construction loan also has become difficult. I also have found that getting the required bonding that you post for developments have also become extremely difficult to the point I think that some of the collateral is almost 120 percent of the bond request. Has that been your experience?

BILL ETHIER: It is. It goes even beyond that. Municipalities are getting much tougher,

tighter with their bond requests, performance bond requests, on developments so they're increasing the amounts that they want from the developer but it's also difficult to get those types of letters of credit or bonds from lenders and others.

SENATOR FASANO: And historically, if I remember, going back to when the last time we had a significant slowdown in the nineties the statute was created to extend periods of development to ten years. Is that -- you probably know the history better than myself.

BILL ETHIER: Well, only certain developments. There are certain large developments that those permits I mentioned they expire after ten years. For housing I think it's 400 units. If you have a project that's 400 units, and I'm not aware of anyone doing that size project today, but you also can get there is a five-year expiration. You can go back to the local planning and zoning or wetlands and request an additional five years, but it's optional, they don't have to issue it.

SENATOR FASANO: And that presents itself a whole problem. Let me ask you this: Your view, if someone were to start a subdivision with let's say 20 houses, 25 houses, 30 houses and they were five years into it and they got half of it built, is it your view that they become vested on the remainder, or is it such that they would still need approval for the remainder?

BILL ETHIER: They have to go back and request an additional five years approval from the local P and Z.

SENATOR FASANO: That's my understanding as well.

So that makes it definite if you have an approval and you're in a bad economy such that if you were to start or ask a bank to start they would say, well, there's no way you can build 30 houses in two years and you're held up because of the bad economy so now you're running up against the back end of this law.

The one put in by Representative Fritz, and she was here earlier, and I know she had to go to another meeting, 5254, talks about approvals prior to July 1, 2008. I guess what I'm questioning is July 1, 2008 being, you know, eight months ago or better it seems like, you know, it would have been approvals that finally got through in October, November or even this spring, I mean, you can't stop an approval once you're going through it because you've invested so much money.

Do you have any comments with respect to a different date or are you comfortable with this date?

BILL ETHIER: Well, that may not be the correct date. I think I had a conversation with the Chairman, Representative Sharkey, prior. There is a reason for having a five-year expiration and so we want to make sure this is a temporary fix, if you will, to deal with this current economic condition so that the correct date, as you point out, might be July 1, 2009, you know, any developments approved prior to that date have an eight-year initial expiration. You know, developments that are approved today would not have the benefit of this the way it's currently drafted, but they are faced with the same economic conditions.

I mean, you talk to economic pundits, you know, the more optimistic ones saying, well,

we'll come out of this by the end of this year, the more pessimistic ones are saying it's going to be several years before we begin to turn things around. I tend to be more on the optimistic side, but even then you're starting off even today with some pretty severe conditions that eight-year approval would help give that certainty to let the market come back and you could deal with all those lending issues that we talked about.

So, you know, if you're going to make a change, maybe July 1, 2009 is the better date.

SENATOR FASANO: Okay. Thank you, Mr. Chairman.

Thank you, Mr. Ethier.

SENATOR COLEMAN: Thank you, Senator.

Other questions for Mr. Ethier?

Seeing none, thank you, Bill.

BILL ETHIER: Thank you very much.

SENATOR COLEMAN: Next is Mike Telesca, Susan Bransfield, Melissa Ziobron, Dennis Hrabchak.

DENNIS HRABCHAK: Good afternoon Senator Coleman, Representative Sharkey and members the Planning and Development Committee, my name is Dennis Hrabchak, I'm a vice president of corporate affairs for the United Illuminating Company. I'm here to testify on Senate Bill 260 which would authorize municipalities to levy fees on telecommunications and public service companies for use of municipal rights-of-way.

UI strongly opposes this bill on both policy

REP. SHARKEY: Okay. Well, I don't mean this to be a marketing campaign for U-verse so --

JOHN EMRA: No, no, I'm not, but I do think policy decisions can hurt those choices and hurt further investment.

REP. SHARKEY: Understood. Thanks very much.

Are there other questions from the committee?

Okay, thanks very much.

JOHN EMRA: Thank you.

REP. SHARKEY: Next is Elsie Bisset followed by Michael Egan.

ELSIE BISSET: Good afternoon, Representative Sharkey and honorable members of the Planning and Development Committee, I am Elsie Bisset, I'm the economic development coordinator for the Town of Killingly. I'm here representing our town manager, Bruce Benway, and our town council. I'm also a past president of the Connecticut Economic Development Association, CEDA, and we've testified here previously on business affairs.

The Town of Killingly is located in northeastern Connecticut, along the Interstate 395 corridor. We have four exits on the interstate and we have an industrial park that is full to capacity with over 3 million square feet of active industrial businesses. We have an expansion of our industrial park underway as well.

I am here today to speak in favor of the Proposed Bill 5861. We would like to urge

that it receives continued consideration.

As the State of Connecticut is focused on implementing probusiness policies and an economic developer who works firsthand with interested clients, I want to emphasize the need for a streamlined development process.

Just as our local land use commissions have state deadlines for public hearings and for their decisionmaking processes and they have to make their decisions in a timely manner, so too should state agencies have deadlines for their review processes and issuance of permits. This bill proposes that deadlines for the processing of permits issued to municipalities be established.

As the project manager for many development projects, both retail and industrial, there is a large amount of coordination between various state agencies that's needed during the planning stages, the permitting stages and then the construction and implementation stages.

It's important that the Department of Environmental Protection review the application materials and make decisions in a timely manner and then communication of their decisions or their need for additional justification for collateral materials to the municipalities so as to further the project in an efficient manner.

I would like to go further and request that this proposed bill also apply to applications and permits which are submitted to the state agencies from landowners and business owners in the State of Connecticut as well. As citizens in Connecticut it's our

responsibility to request that every development project be valued for its contributions to our economy, while also protecting the natural resources for present and future generations.

Let me give you just one example of a large scale redevelopment project in the Town of Killbuck where the town manager and I met with the Department of Environmental Protection with the potential buyers over six months prior to their purchase of the property, and we were trying to establish guidelines and general permitting processes and their expectations on environmental issues and requirements. However, once the property was purchased -- I'm almost finished -- and the financing was in place, the new owner was making mortgage payments as well as interest payments on property which he owned but hadn't yet obtained DEP permits for remediation. This lasted for over seven months before he received permits so that the property could be cleaned up. Time and money was wasted during this period. We assisted the property owner in working with all of the state agencies which were involved in this project.

It takes a team to develop a project, as you all are aware. Various DEP staff worked on this project and they were courteous and communicative during the process, but the remediation plan approval could have been shortened very much if deadlines were in place. I realize that there may be times when an extension may need to be used, but there should be time lines in an effort so that the municipalities and the agencies will know what is expected of them. This will go a long way in making our state competitive and improve operations at the state level. Whether it is

a Brownfields project or other environmental issues on a development project, I think it's very important that all parties involved be efficient in the process.

Thank you for this opportunity to provide testimony and I'm happy to answer any questions.

REP. SHARKEY: Thank you very much. I echo your comments. In the last year we've spent a lot of time working on and looking at Smart Growth initiatives in an effort to make our state more competitive, and one of the constant themes that we heard from the development community in particular was they don't want to come to Connecticut because our state agencies are unable to effectively meet any kind of deadline which creates such uncertainty in the development community as to when and where and whether they will receive approvals that they just would rather not even come here.

So there are -- we're going to be hearing some other bills in a couple of weeks about the Smart Growth initiatives which may include some of these ideas as well. So thank you for your testimony.

ELSIE BISSET: Thank you.

REP. SHARKEY: Do we have any questions from members of the committee?

Representative Flexer.

REP. FLEXER: Thank you, Mr. Chairman, and thank you very much, Elsie, for coming today and testifying in support of this bill.

I do have one question for you. You mentioned

that particular project. Can you give us a sense of what a timeline would have done for when you started working with the developers on that project for the original anticipated opening date and the actual opening date, what was the difference in time?

ELSIE Bisset: The local economy is like now, they expected it to be open a year and a half ago, and they actually weren't open until fall of '08, this past fall. And that is why that we came to DEP ahead of time, ahead of their purchase, to try to find out what the timelines would be, and they actually did have to purchase environmental insurance because we weren't sure how much the clean-up would cost.

REP. FLEXER: Thank you.

ELSIE BISSET: You're welcome.

REP. SHARKEY: Thank you. Thank you, Representative.

Any other questions from members of the committee?

Okay, thanks very much for your testimony.

Our next speaker will be Michael Egan, the person testifying, followed by Senator Maynard, if he's still here.

MICHAEL EGAN: Representative Sharkey and members of the committee, my name is Michael Egan, I'm from Ansonia, and I'm a recording secretary for the Connecticut Fire Police Association, and I would like to speak in support of House Bill 5532, concerning the Connecticut Fire Police.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PLANNING AND
DEVELOPMENT
PART 2
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2009



**CONNECTICUT
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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. 5861, "An Act Concerning the Processing of Municipal Applications for State Permits"

CCM supports this bill.

Towns and cities are partners in governing the State. However, many state agencies take an inordinate amount of time to process and approve various permits that are necessary for routine municipal functions or local economic development projects. This results in additional fiscal and administrative costs to towns and cities, and a loss of economic development opportunities.

Another way to address this situation is to assign a "municipal ombudsman" in each state agency that interacts regularly and directly with local governments to improve coordination for economic development, planning, transportation, etc. Such an initiative would increase efficiency in economic development, while designation of an existing employee would avoid the need to add staff to perform this function

CCM urges the Committee to draft and favorably report a bill that would either provide deadlines or require such ombudsmen.

##

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

Planning and Development Committee
February 18, 2009

Proposed Bill No. 5861
AN ACT CONCERNING THE PROCESSING OF MUNICIPAL APPLICATIONS FOR
STATE PERMITS

Testimony of Elsie Bisset
Economic Development Coordinator
Town of Killingly

Good morning Mr. Chairman, Mr. Vice Chairman and honorable members of the Planning and Development Committee.

My name is Elsie Bisset; I am the Economic Development Coordinator for the Town of Killingly, which is a Town of over 16,000 citizens. Killingly is one of the towns along the Interstate 395 corridor in the northeastern part of the state, having 4 exits on the interstate and an industrial park which is full to capacity with over 3 million square feet of active industrial businesses.

I am here today to speak in favor of the Bill on behalf of the Town of Killingly, to express our support for Proposed Bill No. 5861, and to urge for favorable consideration. As a state that is focused on implementing pro business policies and as an economic developer who works first hand with interested clients, I want to emphasize the need for a streamlined development process. Just as our local land use commissions have State deadlines for public hearings and their decisions to be made in a timely manner, so too should State agencies have deadlines for their review processes and the issuance of permits. This Bill proposes that deadlines for the processing of permits issued to municipalities be established.

As the project manager for many development projects, there is a large amount of coordination between various state agencies to move the project forward through the stages of development. From the conceptual stage to the planning stage, the permitting stages and then the construction or implementation stages, it is important that the Department of Environmental Protection review the application materials and make decisions in a timely manner and then communicate their decisions or their need for additional justification or collateral materials, to the municipalities so as to further the project in an efficient manner.

I would like to go further and request that this proposed Bill also apply to applications and permits which are submitted to State agencies from land owners and business owners in the State of Connecticut. As citizens in Connecticut it is our responsibility to request that every development project be valued for its contributions to our economy while protecting the natural resources for present and future generations.

Let me give you one example of a large scale redevelopment project in the Town of Killingly where the Town Manager and I met with the Department of Environmental Protection with the potential buyers over 6 months prior to the purchase of the site in order to establish general timelines for permitting and general expectations on environmental issues and requirements. Once the property was purchased and the financing in place, the new owner was making mortgage and interest payments on property which he owned but hadn't obtained DEP permits for remediation for over 7 months. Time and money was wasted during this period. The Town assisted the property owner in working with all of the State agencies which were involved in this project. It takes a team to develop a project. Various DEP staff worked on this project and was courteous and communicative during the process, but the remediation plan approval could have been shortened if there were deadlines. I realize there may be times when an extension may have to be used, but there should be timelines in effect so that the municipalities and agencies will know what is to be expected. This will go a long way in making our State competitive and improve operations on the State level.

Thank you for the opportunity to provide this testimony. I would be happy to answer any questions that you may have.

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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 5861, AAC The Processing of Municipal Applications for State 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 supports Proposed Bill 5861 and further proposes that state agency permit deadlines be imposed on private applications for permits as well.

We have long contended that the state agency permitting process is a significant piece of the state's overall climate of being unfriendly to business and development. The purpose of Proposed Bill 5861 indicates that apparently municipalities also face the same or similar permit processing delays before state agencies.

Timelines for processing certain municipal land use permits are applicable to municipal planning, zoning and inland wetland agencies. See section 8-7d of the general statutes. While often observed in the breach, or worked around by "requesting" time extensions from applicants who cannot afford a legal challenge to enforce the statute, which causes municipal delays, at least **there is precedent for requiring the government to process permits within a statutory time period.** Applicants for permits of all types deserve quick and efficient resolution of their applications.

Our only concern with adopting a permitting time period for state agencies for municipal applications only is that such agencies would then tend to service municipal applications first, in order to comply with the new timeline, to the detriment, i.e., further delay, of other, i.e., private, applicants. Private applicants cannot sustain any further delays or uncertainty in our permitting system.

Therefore, we support the concept of requiring timelines for processing state agency permits and also support affording private applicants the same benefit. Thank you for the opportunity to comment on this legislation.