

PA 11-190

HB5526

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**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**ENVIRONMENT  
PART 5  
1371 – 1695**

**2011**

REP. CHAPIN: And you would also advocate that your own organization also have a seat at the table in making those decisions --

TOM CRIDER: Sure.

REP. CHAPIN: -- if this bill were to pass.

TOM CRIDER: Sure.

REP. CHAPIN: Thank you. Thank you, Mr. Chairman.

SENATOR MEYER: Thanks, Representative Chapin. Any other questions? Appreciate it, Mr. Crider.

TOM CRIDER: Okay, thank you.

SENATOR MEYER: We're now going to turn to House Bill 5526 that it relates to commercial and residential projects on property that contains woodlands. We have two very distinguished witnesses, Carlene Kulish and Bill Ethier. Miss Kulish.

CARLENE KULISH: Wow, to go before Bill Ethier. Good afternoon, members of the Environment Committee. I'm Carlene Kulish. I'm here representing my client, the South Central Connecticut Regional Water Authority.

As many of you know, we're the water utility in the south central and lower valley area that represents 20 member towns and we've got 27,000 acres of watershed and aquifer land that we take care of in order to provide for the environmental public health and safety needs of the people in the region.

HB 5526

Unfortunately, the Regional Water Authority is here today in opposition to Committee Bill 5526  
AN ACT CONCERNING COMMERCIAL OR RESIDENTIAL

PROJECTS ON PROPERTY THAT CONTAINS CERTAIN  
WOODLANDS.

The bill would require an additional layer of state regulation on woodland properties exceeding 200 acres.

The land we manage for public water uses is used for watershed protection, timber resource conservation, wildlife resource protection, open space preservation, education, research, but we also use it, use the lands for access road, pumping and water distribution facilities, treatment plants, dams and other improvements.

The approval process currently to implement all of these projects generally requires scrutiny and approval by multiple agencies and municipal planning and zoning commissions, inland-wetlands commissions, the Department of Environmental Protection, Department of Public Health as well as the U.S. Corps of Army Engineers.

We believe at a time when DEP has already admitted that they're over extended is not the time to put another layer of additional expense and potential staffing on them.

We appreciate the, and promote the preservation of woodlands as essential to the protection of public water supplies, and I do understand that this bill has been introduced, you know, to try to solve a problem in a particular area. We'd be more than happy to work with the proponent of the bill on language that would be suitable for all of us.

I also want to encourage you to review the testimony that the Connecticut Waterworks Association has submitted on 5526 and also want to make note that the Water Authority has also submitted testimony in support of Raised Bill

SENATOR MEYER: Thank you, Vice-Chair. Any other questions or comments? Appreciate it. Good job.

CARLENE KULISH: Thank you.

SENATOR MEYER: Okay. Our next witness is Bill Ethier.

BILL ETHIER: Thank you, Senator Meyer. The real distinction is following Carlene for me in appearing before you.

My name is Bill Ethier. I'm the CEO of the Homebuilders Association of Connecticut. I come here with trepidation opposing the Vice-Chairman's bill before you today.

I have submitted written testimony on four bills but I'll restrict my remarks to 5526. We're opposing the bill. We believe simply that another permitting program, especially at DEP, and I see, or I did see Rob LeFrancis here from the agency.

Just so the agency doesn't feel alone and this Committee doesn't feel slighted, I spent the last two hours over in the Transportation Committee beating up on DOT and the STC, so we're an equal opportunity agency reformer.

We think, though, that a new permitting program, particularly as it's described in the bill with, we think fairly open ended and vague standards. We don't know how that would be, you could craft regulations around that, is not what this economy needs. Certainly not what housing needs, and frankly, we think it's unnecessary.

If you look at the UConn data on land cover, woodlands are abundant in the state. They cover 55 to 60 percent, depending on who's counting, of

the land area of the state, so we don't think woodlands are threatened.

And as we say in our written testimony, we have had a conversation, a brief one with Representative Davis. I'm sure there may be a question or two, about the genesis of this bill. It's an affordable housing appeals application as I understand it, correct me if I'm wrong, in the Town of Orange, and this is an attempt to sort of stop that development.

But it's my understanding that that development has already been denied an inland-wetlands permit by the town, which cannot be appealed under 8-30g. 8-30g doesn't apply to wetlands agencies, so it's almost a moot point. That development cannot proceed and I'm sure Representative Davis knows a lot more detail than I do, but we just, and I'll just summarize that.

We don't think it's a good idea to create a new permanent program and using this type of mechanism to fix an 8-30g issue is not the right way to go. So with that, I'll stop and be happy to answer any questions the Committee may have.

SENATOR MEYER: Yes, Vice-Chair Davis.

REP. DAVIS: Thank you, Mr. Chairman. Thank you for your comments. The genesis of the bill actually was a request from many of my constituents. When a developer wants to take down 400 acres of woodlands and put 225 houses on it where there's no utilities, inadequate road access, considerable amount of wetlands, there are some issues.

And one of the issues that is very, very prevalent in my community is preservation of open space and preservation of woodlands, and that's the genesis of this particular bill.

The language, of course, is very expansive and I certainly would not be an individual who would want to put any limits on our economy and the development of our economy and the development of housing developments that are appropriate and important for our state.

So with that said, you'll certainly see some changes in the language that I'm sure would meet your approval in the future. Thank you. Thank you, Mr. Chairman.

SENATOR MEYER: Thank you. Any comments?

BILL ETHIER: Well, I'd be happy to see language that meets with our approval.

I, you know, I would just comment on the development process, as I think you know, and maybe you don't know. I mean, when you propose a development all those issues that you mentioned and many more from inadequate street access, road access to you know, drainage, to storm water controls to preserving wetlands, all those things are considered now by the process that a developer goes through from applications to inland-wetlands agencies to planning and zoning agencies, site plan reviews, historic review, design review, subdivision review.

You get through all that local process and then we go through a state agency process for additional storm water permits at the DEP, additional permits perhaps, depending on the project with drainage and street access and even landscaping. That's what I just spent the last two hours at Transportation talking about the STC, State Traffic Commission looks at all those things if you're over.

Certainly that size development would be going to DOT and the STC. It's over their threshold. So all those things and more, we believe, are already very well considered by a multitude of local and state agencies, and even sometimes federal agencies.

We don't think, though, that a new permitting program, particularly at DEP needs to be developed to handle those issues. I think they can be handled under our current processes.

SENATOR MEYER: Thanks, Bill. Any questions? Further questions? Appreciate it.

BILL ETHIER: Thank you.

SENATOR MEYER: Colleagues, we're now turning to House Bill 6262, which relates to the Community Investment Act. We have four witnesses on this, starting with, and the handwriting is difficult to read, Ben Freund. Did I get it right?

BEN FREUND: Freund. Pretty close.

SENATOR MEYER: Can you spell it for the record, because it's not clear here.

BEN FREUND: F-r-e-u-n-d. Freund.

SENATOR MEYER: Freund. Thank you. Good afternoon.

BEN FREUND: Good afternoon. Chairman, members of the Environment Committee, I am testifying in favor of Proposed House Bill 6262 AN ACT CONCERNING THE COMMUNITY INVESTMENT ACCOUNT.

As Chairman of the Connecticut Farm Bureau Dairy Committee, I want to thank this Committee for its wisdom in recognizing the importance of agriculture in Connecticut, and especially with



**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**ENVIRONMENT  
PART 6  
1696 – 2016**

**2011**


**HOME BUILDERS ASSOCIATION OF CONNECTICUT, INC.**

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*Your Home  
 Is Our  
 Business*

March 7, 2011

To: Senator Ed Meyer and Representative Richard Roy, Co-Chairs, and members of the Environment Committee

From: Bill Ethier, Chief Executive Officer

Re: HB 5526, AAC Commercial or Residential Projects on Property That Contains Certain Woodlands

The HBA of Connecticut is a professional trade association with 1,100 member firms statewide, employing tens of thousands of Connecticut citizens. Our members, all small businesses, are residential and commercial builders, land developers, home improvement contractors, trade contractors, suppliers and those businesses and professionals that provide services to our diverse industry. Our members build 70% to 80% of all new homes and apartments in the state each year.

We strongly oppose HB 5526 as an unnecessary new permitting program controlling the use of land, because it contains undefined and wholly open-ended new permitting requirements without any real limitations on DEP's authority, and because this bill is intended to stop a specific affordable housing appeals application that, to the best of our information, has already been denied an inland wetlands permit and, therefore, cannot be built.

The last thing our feeble economic and housing recovery needs right now is another permitting program controlling the use of land. Our existing system of land use controls through local planning, zoning, inland wetlands, water pollution controls, design review, historic preservation review, restrictions on steep slopes, ridgelines, agricultural lands, and so much more, plus numerous state agency permits and approvals are abundantly protective of our land and water resources.

Moreover, CT is not at risk of losing its woodlands. CT's forest cover is very high, amounting to 55% to 60% of the entire state.

The standards of the new permit authorized by this bill are vague and open-ended, which can lead only to abuse, misunderstandings, and more uncertainty, delays and costs for economic and housing development. What does "undeveloped woodlands" mean? Would an abandoned cabin in the middle of a 200 woodland acre tract disqualify it from the definition? Would a buried tank or soil or water contamination from some long-gone facility or farm disqualify the parcel from the definition? What is to be included in, or meant by, a "statement of the environmental compatibility ... with the nature of such woodlands and all neighboring properties?" How does an applicant submit credible evidence to justify a "statement to the commissioner indicating why such parcel is the

Testimony, Home Builders Association of Connecticut, Inc.  
HB 5526, AAC Commercial or Residential Projects on Property That Contains Certain Woodlands  
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most suitable parcel for such development project?” How many other sites does the applicant have to consider in order to perform this analysis? How can the applicant get control over other sites to conduct a suitable investigation to support such analysis? What does “prior to conducting any work on such development” mean? How does the applicant put together the new required statements if soil, wetlands, engineering, other testing and analysis – all work on a development – cannot first be conducted? This proposal would be a permitting nightmare. We are, frankly, amazed it has been given a hearing before this committee.

The genesis of this bill is a proposed affordable housing appeals act, sec. 8-30g, development in the town of Orange. The “compatibility with neighboring properties” language would result in an end-run around the requirements of this housing policy. We understand the town and the landowner are negotiating a price to buy the woodlands involved as open space. Whatever “pressure” the landowner thinks will be or could be put on the town by filing an 8-30g application, we first suggest the town should call the landowner’s bluff and approve the application. It’s very likely the development will never be built if that is not the real intention of the landowner. In any event, we have been told the development proposal was denied an inland wetland permit, which cannot be challenged on the basis on sec. 8-30g’s housing policy. More importantly, creating a new permitting program is not the way to address any perceived flaws in sec. 8-30g.

**Please do not pursue this legislation.** Thank you for the opportunity to comment

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## Testimony to the Environment Committee

### **Committee Bill 5526, An Act Concerning Commercial or Residential Projects on Property that Contains Certain Woodlands**

March 7, 2011

*The South Central Connecticut Regional Water Authority (SCCRWA) is a non-profit, public corporation and political subdivision of the State. Our mission is to provide our customers with high quality water at a reasonable cost while promoting the preservation of watershed land and aquifers. We provide approximately 51 million gallons of water per day to an estimated 430,000 consumers in our region. The source of this water is a system of watershed and aquifer areas that cover about 120 square miles within 24 municipalities. More than 27,000 acres of these watershed and aquifer areas are protected as open space as a result of the Authority's efforts and efforts with partners. Within the 20 member towns of our water district, we own and operate a public water system, which includes 10 active reservoirs, 4 surface water treatment plants and 7 ground water treatment plants.*

The SCCRWA opposes Committee Bill 5526, An Act Concerning Commercial or Residential Projects on Property that Contains Certain Woodlands. The bill would require an additional layer of state regulation beyond any current local, state, or federal approval requirements for projects taking place on woodland properties exceeding 200 acres. This is without regard to the nature or size of the proposed activity.

The land we own and manage for public water supply uses includes large tracts of undeveloped forest lands. These lands are managed by the SCCRWA for watershed protection, timber resource conservation, wildlife resource protection, open space preservation, and education and research. However, construction projects on these large tracts of land have and will continue to occur as necessary, including access roads, pumping and water distribution facilities, treatment plants, dams, and other improvements.

The approval process to implement these projects generally requires the scrutiny and approval of multiple agencies including municipal planning and zoning commissions, inland wetlands commissions, the Connecticut Department of Environmental Protection, the Connecticut Department of Public Health, and the United States Army Corp of Engineers. This bill as proposed would add an additional level of review, expense, and uncertainty to advance objectives that are currently already the focus of existing regulatory permit programs. Further, we believe HB5526 would pose additional expense and potentially staffing needs for Department of Environmental Protection at a time when they have already admitted they are overextended.

The SCCRWA appreciates and promotes the preservation of woodlands as essential to the protection of public water supplies. However, this proposed bill unfairly penalizes landowners solely based on acreage rather than the potential impact of proposed construction activities, while creating a redundant and unnecessary additional layer of bureaucracy in the land use permitting process.



**Testimony  
Elizabeth Gara  
Connecticut Water Works Association (CWWA)  
Before the  
Environment Committee  
March 7, 2011**

The Connecticut Water Works Association (CWWA) urges lawmakers to amend HB-5526, AN ACT CONCERNING COMMERCIAL OR RESIDENTIAL PROJECTS ON PROPERTY THAT CONTAINS CERTAIN WOODLANDS, to ensure that the bill does not interfere with certain water company activities that are critical to providing customers with a safe, adequate supply of quality water.

As drafted, the bill would require a state permit prior to the construction of a commercial or residential development project on certain woodlands. Water companies engage in numerous commercial construction projects on watershed lands, which are critical to protecting the state's public water supplies and maintaining open space lands. These activities, which include installing and maintaining dams, wells, treatment and pumping facilities, water transmission and distribution mains, and access roads, are essential to a water company's ability to provide a pure and adequate water supply to its customers.

However, under the bill, water companies would have to obtain a state issued permit prior to construction of any of these projects. The vast majority of these activities already require the issuance of various permits or approvals from a myriad of local, state and federal agencies. Moreover, many of these activities are required by state or federal law to ensure the quality and purity of drinking water supplies. Therefore, the additional permit and review process called for in the bill would be unnecessary and duplicative as it relates to water company construction activities.

We therefore recommend that the bill be amended to exempt watershed lands owned by water companies as well as watershed lands owned by other entities from the scope of the bill.

*The Connecticut Water Works Association, Inc. (CWWA) is an association of public water supply utilities serving more than 500,000 customers, or population of about 2½ million people, located throughout Connecticut. Membership in the Association is open to all Connecticut water utilities: investor-owned, municipal and regional authorities. CWWA is committed to working with the state to develop policies that will ensure that Connecticut has a safe, ample supply of water to meet present and future needs.*

**H – 1105**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2011**

**VOL.54  
PART 14  
4474 – 4836**

Those voting Nay 26

Those absent and not voting 8

DEPUTY SPEAKER ALTOBELLO:

Bill passes in concurrence with the Senate.

Will the Clerk please call Calendar 268.

THE CLERK:

On page 13, Calendar 268, Substitute for House  
Bill Number 5526, AN ACT REQUIRING A PERMIT FOR  
CERTAIN COMMERCIAL PROJECTS THAT INVOLVE QUARRYING.  
Favorable report by the Committee on the  
Environment.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan of the 139th District, you  
have the floor, sir.

REP. RYAN (139th):

Thank you, Mr. Speaker.

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

DEPUTY SPEAKER ALTOBELLO:

The question before the Chamber is acceptance  
and passage. Please proceed, sir.

REP. RYAN (139th):

Thank you, Mr. Speaker.

The Clerk has LCO 5562, may he call it and I be allowed to summarize?

DEPUTY SPEAKER ALTOBELLO:

Will the Clerk please call LCO 5562 and shall be designated House Amendment Schedule "A."

THE CLERK:

LCO 5562 offered by Representatives Ryan, Roy, et al.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan, please proceed with summarization without objection.

Thank you.

REP. RYAN (139th):

Thank you, Mr. Speaker.

. The amendment strikes the underlying bill and it's associated fiscal impact. It's going to -- the amendment requires the Commissioner of Environmental Protection to establish a permitting program for certain municipal quarrying projects. It's anticipated the Department of Environmental Protection will be able to make decisions about the issuance of permits on the quantity or quality of surface or groundwater using existing agency staff and, therefore, does not require -- or does not have



a fiscal impact.

I move for adoption.

DEPUTY SPEAKER ALTOBELLO:

The question before the Chamber is adoption  
House "A."

Will you remark further on House "A"?

Representative Chapin of the 67th, House "A."

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

I rise in support of House "A" that's before  
us. I see that it narrows it down from the original  
file copy, and I encourage my colleagues to support  
it.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Chapin.

Representative Miner on the quarrying bill,  
sir.

REP. MINER (66th):

Thank you, Mr. Speaker.

If I might, just a question or two to the  
proponent of the amendment?

DEPUTY SPEAKER ALTOBELLO:

Please proceed.

REP. MINER (66th):

Thank you, Mr. Speaker.

If I could, through you.

I remember when we were talking about the state plan of conservation development. One of the subjects under which a town would designate a piece of property I think, had to do with maintaining nondevelopment on areas of natural resources.

And If the gentleman could tell me is it his understanding whether or not that might be the case for this parcel of property?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. RYAN (139th):

Thank you, Mr. Speaker.

I'm -- could you just repeat the question because I was kind of thrown off because I was planning on kind of going over the amendment a little bit more but maybe in answering his question, I can kind of get my point across. If you just repeat the question one more time, please?

DEPUTY SPEAKER ALTOBELLO:

Representative Miner, on the quarrying bill.

Please proceed.

REP. MINER (66th):

Thank you. Thank you, Mr. Speaker.

Rather than throwing him off, why don't I let him go over the amendment if he would like to and then I'll ask my question after that, if that's what he would prefer.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Further on House "A?"

Representative Ryan, do you care to comment on House "A?"

REP. RYAN (139th):

Thank you, Mr. Speaker.

Basically, what I would just want to do is go over the background on this particular bill, why it's before us. It deals with the town of Bozrah and the rugged 95-acre hillside that is going to be in the village center that's going to -- where a town hall, firehouse, elementary school and a row of modest two-family houses are located. It's going to probably come around deciding the effect of this community of

2400 people.

The fact of the matter is that there was a proposal for a quarry in the middle of the town near these areas. The local town, because it is small town, didn't have anything in effect in it's zoning regulations to prevent quarrying from occurring. They did realize this problem when the -- they heard about the possible require -- project coming to town. They did want to apply some amendments and the day before the amendments are to be voted on in -- by the community the application was put in, therefore grandfathering this application under the old rules, which would have allowed quarrying.

Obviously this has caused a lot of consternation for the citizens of the town. They are worried about a rock crusher that is going to be located near their school, causing a lot of noise and dust. It's going to affect other businesses that will be adversely affected, plus the fact that they are going to basically dig out the side of a hill to be able to get to this rock, that it's going to be sold

for a variety of construction reasons.

It will lead the side of the hill wide open, kind of adversely affecting one of the largest or the largest egg farm in the state, taking away its water supply, not also speaking to the fact what it will do to a number of residents in that particular area.

They are affected -- about the dust that would be affected in the air. There is a plant nearby that uses the air to break down the air into its basic ingredients that is resold. That plant would probably have to be shut down or moved.

There's a local facility that prepares meals for seniors and preschools. They are concerned about having to refit their building to keep the dust out of the building for those reasons.

There's -- one person did hire a consulting service. A geologist looked at the effect and said that it would have a severe impact on the, both safety and value of the local property, basically because it would be an open pit mine. It would harm groundwater

and diminish water quality and the base flow of the Yantic River.

He based -- that the plans for the area was inadequate in several areas including the admission of a plan for a long-term monitoring of water and actions that would be taken if problems pursued. They said that the actual property taxes that would be collected in the facility would never make up for the dramatic changes in the hydrogeological conditions of the area. Basically one property would be left as a pedestal with three sides being just cliffs.

So -- and finally, and in my possession I do have a petition signed by 370 Bozrah residents that don't feel the quarry is in the best interests of their community. They wish to protect the ecological, scenic, historical and recreational values and benefits of the town of Bozrah and that's why I'm going to ask my colleagues to help support this amendment and, in fact, the bill.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Ryan.

Further on House "A?"

Representative Miner on the quarrying  
bill.

REP. MINER (66th):

Thank you, Mr. Speaker.

Now that I've been properly educated, my question is, if the gentleman knows, we have under current law an obligation under which each town has to develop a plan of conservation and development and they submit it to the State.

And one of the designations that a town is allowed to use in characterizing the property that has, I think, allows it to be held in a non-development status as a natural resource. So they recognize that on a certain parcel of property there may be valuable water, there may be valuable minerals, there may be valuable sand.

And so my question, through you, to the gentleman is, does he know what designation this parcel has at both the state and local level?

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. RYAN (139th):

Thank you, Mr. Speaker.

I know in the local level it is designated industrial with the anticipation, as there had been on some of the properties, light industry being developed. That is why the owner of the property and the developer thought that they could come through and place this, start basically building a quarry in this particular area.

On the state level as part of their plan of conservation and development, I can't say if it fulfills the conditions you've mentioned on that level. I cannot be sure. I can find out, but at this point in time don't know the answer to that part of the question.

Thank you. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Miner.

REP. MINER (66th):

And thank you, Mr. Speaker.

So it's the gentleman's understanding that



for an industrial use, light industrial, a town would be accepting of the development of the property. It's just not under this, what some might qualify as a much heavier use.

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. MINER (66th):

That would be correct, Mr. Speaker.

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker.

And I thank the gentleman.

DEPUTY SPEAKER ALTOBELLO:

Thank you, sir.

Representative Miller of the 122nd, you have the floor, sir.

REP. L. MILLER (122nd):

Thank you, Mr. Speaker.

Just a couple of questions. Does the town of Bozrah have a planning and zoning commission?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. RYAN (139th):

Yes. Through you, Mr. Speaker.

Yes, they do. And unfortunately as I mentioned earlier, their zoning regulations did not cover -- I think I sent around an article earlier that spoke to this issue. I was hoping my colleagues had a chance to read it. It was just something they never anticipated being built in this town and their regulations did not cover this.

They had allowed this area to become, like, light industry, which it does have some small -- a glass plate -- what are some of the things? A landscape or pottery, a yoga studio, a sheet-metal business in the light industrial part of that particular region of that area of town. They just had never anticipated a quarry being built there, having a mountain basically being cut down.

And as I said, when they realized that they didn't, they did develop regulations, but

as I mentioned earlier, the day before they were going to vote on those regulations to put them into an ordinance for their town, the application was submitted by the developer and therefore grandfathered before they could do anything to prevent it from occurring.

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. L. MILLER (122nd):

Thank you.

And through you, Mr. Speaker, I know that under our planning and zoning regulations of the State, under 128 there is a special case type of regulation that deals with most of the negative things you spoke about, about this quarry being built.

So I just wondered why they didn't go to the state regulations under 128 and look up special cases, which deals when things like this. So just a question. It's been a while since I've been chairman of the zoning commission, so that's what I can remember anyway. But I mean, thank you very much.

And thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Miller.

Representative Hetherington of the 125th  
you have the floor, sir.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker.

To the proponent, if I may?

This is a very -- sounds like a very  
constructive bill. I wondered if it would  
apply to any town other than Brazrah.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. E. WRIGHT (41st):

Thank you, Mr. Speaker.

Through you, recognize in the fact that in  
some areas there were towns that would want to  
have a quarry or presently have a quarry. We  
didn't want to adversely affect anybody. We  
know of the concern here in this one town.

And you notice that the wording of the  
amendment does limit it to a town of -- excuse  
me -- not less than 2,000 people, not more than  
3,000, and a quarry that is 100 acres or less -

- and I thought there was also a square mileage  
-- that is such a way that we felt that it was  
really going to be limited just to this  
community.

DEPUTY SPEAKER ALTOBELLO:

Representative Hetherington.

REP. HETHERINGTON (125th):

Okay. That's what I assumed. It's a  
little like those old laws in New York that  
applied to any city over a million, of course  
there only was one for a century or two.

But I appreciate the proponent's response  
and I think I'll certainly be supporting it.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Hetherington.

Representative Aman of the 14th, you have  
the floor, sir.

REP. AMAN (14th):

Good evening, Mr. Speaker.

To start off with, I have a tremendous  
amount of sympathy for small communities. They  
don't usually have long and detailed planning  
and zoning regulations because they have a

live-and-let-live attitude, which I think is great. They also have the attitude pretty much of, no one is ever going to do anything like this in our community and therefore don't write rules accordingly.

I do have a few questions regarding the bill to the proponent to help clarify I believe some of the questions that I have on it and the intention of the bill.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. AMAN (14th):

Yes. To the proponent, it says, the commissioner of environmental protection shall establish a permitting program. Is there any indication now of by when that preventing program will be set up and the regulations drafted that both the town in question and any potential developer would know when the clock is starting, ending and running.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. RYAN (139th):

Thank you, Mr. Speaker.

Through you, I believe, while we do have it, a date from passage, we know that at one point in time that the (inaudible) did regulate these entities and we are assuming that they can -- after having some discussions with them, we're hoping they'll be able to go back and basically renew or review the procedures they've had in the past and apply them here.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

So I take it that the legislative intent is that they will establish the regulations in a relatively short period of time, using relative on the government terms of time.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. RYAN (139th):

Through you, Mr. Speaker.

Seeing that we are trying to limit it to adversely affect the quality of water, surface

water and limiting it to that category, we hope that's the case. Yes.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

Another procedural question that maybe the proponent knows the answer to or maybe not, is that it was stated that the applicant had already made application. We are now, under this legislation, saying hold off your application or the decision on it until we draw up some regulations.

And I'm wondering on timing wise, grandfathering wise, et cetera, if this has been looked at as to the legality of passing regulations after an application has been made.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. RYAN (139th):

Well, that was the problem at the local level, Mr. Speaker, through you. We feel that on the state level no application has yet been placed and that this would be able to be



applicable in that regard.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

The bill also says on line 16, that indicating why such property is a most suitable parcel for such a project. The question on -- is that, is the most suitable parcel in this case, meaning that there is rock underneath it, that can be quarried? Or does that mean that a quarry is most suitable for that piece of land versus putting in some other sort of development?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. RYAN (139th):

Through you, Mr. Speaker.

I think we're looking at all the elements, some of which I have mentioned earlier about whether this is a good location for such a project and looking at all the attenuating -- or the extenuating circumstances that apply here.

As I've mentioned earlier, this is going to have a lot of noise, a lot of dust. Is this the best possible parcel of land to have that kind of development, that kind of work being done considering the proximity of schools, firehouse and homes in that particular region?

Not to mention -- I don't know if I mentioned it earlier, but we do -- right above the property, adjacent to it would be a farm, where the State has paid for the development rights there. That property would be adversely affected possibly by the loss of water as the side of the hill is taken away from it, not to mention the same effect it would have on the, like I mentioned, the large egg farm that is also nearby.

So I think it would be some of those elements that would be looked at to see if this is the best location for a project like this.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

Therefore I take that the legislative intent is not that this is the best rock for

quarrying in the area, but that there are other higher and better uses for the parcel other than a quarry, is the answer I believe I got back.

The last part of the bill says the commissioner shall not grant a permit if it does adversely affect the quantity or quality of any surface water or groundwater. Can they reject a permit for any other reasons, since those two alone are the -- separately cited?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. RYAN (139th):

I think the commissioner certainly has the ability to look at other elements, though those are the ones that we cite in this particular bill.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

I thank the proponent for his answers.

Again, I have sympathy for the small town.

I'm a little uncomfortable about passing

regulations after a permit is granted, but it seems that in this particular case it may be something the Legislature should very seriously consider.

I thank the proponent for his answers.

DEPUTY SPEAKER ALTOBELLO:

Thank you very much, Representative Aman.

Representative Ackert, you have the floor, sir, of the 8th District.

REP. ACKERT (8th):

Thank you, Mr. Speaker.

Just a couple of questions to the proponent of the amendment.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. ACKERT (8th):

I just -- for the term of "quarrying," are there many products that fall under quarrying? Because I know many people that have gravel pits. Would that fall under quarrying?

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. RYAN (139th):

This particular project -- and I honestly

want to correct something that I heard. There has been no permits at this point in time issued for this particular project. There's only been an application submitted.

Quarrying in this particular case, it is going to be a type of rock that is going to be taken out. It's going to be mined from the site. It's, in this particular case, it's a rock they're looking for. I know there are other types of rocks and as I mentioned, it's going to be coming from the side of a hill.

It's going to be like an open pit mine, basically taking down about -- I think what it was -- out of the hundred acres, I think 74, if I remember right, is going to be removed from the side of the hill, bringing a 340-foot hill down to about 170 feet.

DEPUTY SPEAKER ALTOBELLO:

Representative Ackert.

REP. ACKERT (8th):

Thank you, Mr. Speaker.

And the reason why I asked the question is because there's ten towns in Connecticut that fall under this bracket. And the reason I

wanted to, not just pose the question for the specific location, is that it does encompass ten towns in Connecticut.

And through you, Mr. Speaker, one, another question to you, to the proponent of the amendment.

DEPUTY SPEAKER ALTOBELLO:

Prease proceed.

REP. ACKERT (8th):

If the commissioner does provide the permit to proceed with the project, is that the permitting process? Or would they also go through a permitting process in the town?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. RYAN (139th):

They are currently going, through you, Mr. Speaker, through a permit process in the town. They are going through planning and zoning and inland wetlands commissions to get their various approvals. But again, they are concerned because of the fact that their regulations at the time this was submitted

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really didn't take into consideration this type  
of a project.

DEPUTY SPEAKER ALTOBELLO:

Representative Ackert.

REP. ACKERT (8th):

That was all I have, Mr. Speaker.

And thank you, to Representative Ryan.

DEPUTY SPEAKER ALTOBELLO:

Thank you.

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.

House "A" passes.

Further on the bill as amended? Further  
on the bill as amended? If not, staff and  
guests please retire to the well of the House.  
Members take your seats. The machine will be  
open.

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? Have all members 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 a tally. And would the Clerk please announce the tally.

THE CLERK:

House Bill 5526 as amended by House "A."

Total Number voting 139

Necessary for adoption 70

Those voting Yea 117

Those voting Nay 22

Those absent and not voting 12

DEPUTY SPEAKER ALTOBELLO:

The bill as amended is passed.

Would the Clerk please call Calendar 341.

THE CLERK:

On page 17, Calendar 341, Substitute for  
House Bill Number 6600, AN ACT IMPLEMENTING THE



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GENERAL ASSEMBLY  
SENATE**

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Madam President, if the Clerk might call Calendar page 13, Calendar 561, House Bill 5526.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar page 13, Calendar 561, File 472 and 852, Substitute for House Bill 5526, AN ACT REQUIRING A PERMIT FOR CERTAIN COMMERCIAL PROJECTS THAT INVOLVE QUARRYING, as amended by House Amendment Schedule "A," favorable report of the Committee on Environment.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Thank you, Madam Chairman.

I move acceptance of the Committees Joint and favorable report and move passage of this bill.

THE CHAIR:

Question is on passage of the bill.

Will you remark further?

SENATOR MEYER:

Yes. I -- we were talking a few moments ago in another context about development and developers and this bill comes to us because of a developer's remarkable effort to create a huge quarry in the

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middle of the Town of Bozra. And the local government came to us and to Senator Prague, and said this is an abomination. This will wipe out the Town of Bozra if a quarry is built here.

And so we, sort of, put our creative minds together and we created the bill that's before you today, that says that that this kind of structure will have to require a permit from the commissioner of DEP and that the commissioner, in the permitting process, must take into account negative and adverse effects on the community and, particularly, on the water supply.

So, it applies, it's not something you're going to have to worry about in large towns because it applies only to towns with a population of between 2 and 3,000 people. So it's restricted in its effect. It also deals with quarries that are 100 acres in size or less. The bill is very tailored to a particular problem, but I think it brings about an effective solution for the Town of Bozra, and they will live happily ever after if we pass this bill today.

Thank you.

THE CHAIR:

Sounds like a great idea.

Will you remark further? Will you remark

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further?

Senator Prague.

SENATOR PRAGUE:

Thank you, Madam President.

Madam President, I can't tell you how important this bill is to the small Town of Bozra. It would actually wipe out the town. It's in the middle of town. I can't imagine why the owner of the property is doing this. If you were to see the location of this quarry, you would not believe it. I don't have any problem with quarries if they're in the right place. They can be very good for a town. They can bring in money, taxes, and what have you. But for the Town of Bozra, this quarry would just be totally impossible.

There is a chicken farm in the area and they said if this quarry goes in they would just have to move out of the town because the chickens could not survive with that kind of noise that would be created by this quarrying.

So I want to thank Senator Meyer, through you, Madam President, for helping me get this bill. He worked with the first selectman for the Town of Bozra and I, again, I want to thank him. And I'm very happy

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that this bill is before us.

Thank you.

THE CHAIR:

Will you remark further? Will you remark  
further?

Senator McKinney.

SENATOR MCKINNEY:

Good evening, Madam President.

THE CHAIR:

Good evening, sir.

Through you, a very brief question to the  
proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR MCKINNEY:

In looking at the bill, Senator Meyer, is it fair  
to assume that there are not a lot of quarries  
impacted in the State of Connecticut by this measure,  
through you?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you. Madam President.

That is true to Senator McKinney. There are not.

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THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

And that this might be the only quarry that's impacted by this bill, through you?

SENATOR MEYER:

I, I --

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. We believe that to be true and that this bill, while we don't mention a particular town, this bill is designed for this town and not to affect quarries in other places.

SENATOR MCKINNEY:

Thank you, thank you --

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

I just want to say to my senator, Senator Prague, after voting with you to stop the ash plant in Franklin and now the quarry in Bozra, I hope the people of the 19th district will look kindly on me at some point. But no, just kidding.

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Thank you, Madam President.

THE CHAIR:

Please come to Eastern Connecticut, Senator.

Will you remark further? Will you remark  
further?

If not -- oh, sorry.

Senator Daily.

SENATOR DAILY:

Thank you very much, Madam President.

And I have a question to the proponent, if I may?

THE CHAIR:

Senator Meyer.

Please proceed, ma'am.

SENATOR DAILY:

Thank you, Madam President.

I was listening carefully and heard you assure  
Senator McKinney that it was designed for Bozra. I  
just want to make sure it has no affect on Portland  
and its quarries.

SENATOR MEYER:

It will have --

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

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Through you, Madam President.

It will have no affect on the Portland quarries. There's a huge quarry in my district in Stony Creek, you may have heard about, and it clearly would not affect that either as the bill is tailored to the Bozra situation.

THE CHAIR:

Thank you.

Senator Daily.

SENATOR DAILY:

Thank you, Madam President.

And I thank the gentleman for his answer.

THE CHAIR:

Thank you very much.

Will you remark further?

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President.

I apologize for rising after the Minority Leader. I just wanted to give my praise for the bill, too. If there's a measure that we can truly protect and preserve the character and quality of a township, I think this bill's the right way to go. And I applaud your efforts for bringing it forward.



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Thank you.

THE CHAIR:

Thank you very much.

Will you remark further? Will you remark  
further?

If not, staff and -- I mean, sorry, Mr. Clerk,  
will you call a roll call vote and I will open the  
machine.

THE CLERK:

Immediate roll call has been ordered in the  
Senate. Will all Senators please return to the  
Chamber. Immediate roll call has been ordered in the  
Senate. Will all Senators please return to the  
Chamber.

THE CHAIR:

Senator Suzio, will you please -- Senator Suzio  
would you please vote, since you're in the Chamber,  
sir.

Sir, would you please vote. We are in the  
Chamber now, sir.

Thank you very much, Senator Suzio.

All members have voted. Have all members voted,  
the machine will be closed, and Mr. Clerk, will you  
please call the tally?

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THE CLERK:

Motion is on passage of the House Bill 5526, in concurrence with the action in the House.

Total Number Voting	36
Those voting Yea	35
Those voting Nay	1
Those absent and not voting	0

THE CHAIR:

The bill has passed.

The Senate will stand at ease for a few moments, sir.

(Chamber at ease.)

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if we might mark as the next two, next two items. First is Calendar page 13, Calendar 565, House Bill 5465. And the next item after that would be Calendar page 12, Calendar 555, House Bill 6259.

THE CHAIR: