



General Assembly

January Session, 2001

Raised Bill No. 6716

LCO No. 3373

Referred to Committee on Planning and Development

Introduced by:
(PD)

AN ACT REVISING THE PROCESS FOR ADOPTION OF MUNICIPAL PLANS OF CONSERVATION AND DEVELOPMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-23 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 [(a) The commission shall prepare, adopt and amend a plan of
4 conservation and development for the municipality. Such plan shall
5 show the commission's recommendation for the most desirable use of
6 land within the municipality for residential, recreational, commercial,
7 industrial, conservation and other purposes and for the most desirable
8 density of population in the several parts of the municipality. Such
9 plan shall take into account the state plan of conservation and
10 development adopted pursuant to chapter 297 and shall note any
11 inconsistencies it may have with said state plan. Such plan shall make
12 provision for the development of housing opportunities, including
13 opportunities for multifamily dwellings, consistent with soil types,
14 terrain and infrastructure capacity, for all residents of the municipality
15 and the planning region in which the municipality is located, as
16 designated by the Secretary of the Office of Policy and Management

17 under section 16a-4a. Such plan shall also promote housing choice and
18 economic diversity in housing, including housing for both low and
19 moderate income households, and encourage the development of
20 housing which will meet the housing needs identified in the housing
21 plan prepared pursuant to section 8-37t and in the housing component
22 and the other components of the state plan of conservation and
23 development prepared pursuant to section 16a-26. Such plan may also
24 show the commission's recommendation for a system of principal
25 thoroughfares, parkways, bridges, streets and other public ways; for
26 airports, parks, playgrounds and other public grounds; for general
27 location, relocation and improvement of public buildings; for the
28 general location and extent of public utilities and terminals, whether
29 publicly or privately owned, for water, sewerage, light, power, transit
30 and other purposes; and for the extent and location of public housing
31 projects. Such other recommendations may be made by the
32 commission and included in the plan as will, in its judgment, be
33 beneficial to the municipality. The plan of conservation and
34 development shall be a statement of policies, goals and standards for
35 the physical and economic development of the municipality, and may
36 include all necessary and related maps, explanatory material,
37 photographs, charts or other pertinent data and information relative to
38 the past, present and future trends of the municipality, and may
39 include recommended programs for the implementation of the plan,
40 including a schedule and budget for public capital projects, and a
41 program for enactment and enforcement of zoning and subdivision
42 controls, building and housing codes and safety regulations, plans for
43 implementation of affordable housing and plans for open space
44 acquisition and greenways protection and development. In preparing
45 such plan the commission shall consider the community development
46 action plan of the municipality, if any, the need for affordable housing
47 and the protection of existing and potential public surface and ground
48 drinking water supplies, and may consider physical, social, economic
49 and governmental conditions and trends, including, but not limited to,
50 local, regional and state studies of the human resource, education,

51 health, housing, recreation, social services, public utilities, public
52 protection, transportation and circulation, cultural and interpersonal
53 communications needs of the municipality and the objectives of
54 energy-efficient patterns of development, the use of solar and other
55 renewable forms of energy, and energy conservation. The plan shall be
56 designed to promote with the greatest efficiency and economy the
57 coordinated development of the municipality and the general welfare
58 and prosperity of its people. The commission may prepare and adopt
59 plans for the redevelopment and improvement of districts or
60 neighborhoods which, in its judgment, contain special problems or
61 show a trend toward lower land values. The plan adopted under this
62 section for any municipality that is contiguous to Long Island Sound
63 shall be made with reasonable consideration for restoration and
64 protection of the ecosystem and habitat of Long Island Sound and shall
65 be designed to reduce hypoxia, pathogens, toxic contaminants and
66 floatable debris in Long Island Sound. The plan of any municipality in
67 which a traprock ridge, as defined in section 8-1aa, is located may
68 make recommendations for conservation and preservation of traprock
69 ridgelines, as defined in said section. The commission may adopt the
70 plan of conservation and development by a single resolution or may,
71 by successive resolutions, adopt parts of the plan, whether
72 geographical or functional, and amendments thereto. Prior to adopting
73 the conservation and development plan or any part thereof or
74 amendment thereto, the commission shall file in the office of the town
75 clerk a copy of such plan or part thereof or amendment thereto but, in
76 the case of a district commission, such commission shall file such
77 information in the offices of both the district clerk and the town clerk,
78 and shall hold at least one public hearing thereon, notice of the time
79 and place of which shall be published in a newspaper having general
80 circulation in the municipality at least twice at intervals of not less than
81 two days, the first not more than fifteen days, nor less than ten days,
82 and the last not less than two days prior to the date of each such
83 hearing, which notice shall make reference to the filing of such records
84 in the office of the town clerk, or both the district clerk and the town

85 clerk, as the case may be. Any plan or part thereof or amendment
86 thereto shall, upon adoption by the commission, be filed in the office of
87 the town clerk, but, if it is a district plan or amendment, it shall be filed
88 in the offices of both the district and town clerk, and shall become
89 effective at a time established by the commission, provided notice
90 thereof shall be published in a newspaper having general circulation in
91 the municipality prior to such effective date.

92 (b) The commission shall review the plan of conservation and
93 development at least once every ten years and shall adopt such
94 amendments to the plan or parts of the plan, in accordance with the
95 provisions of this section, as the commission deems necessary to
96 update the plan. On and after July 1, 2000, if a commission does not
97 review the plan within said ten years, the chief elected official of the
98 municipality shall submit a letter to the Secretary of the Office of
99 Policy and Management and the Commissioners of Transportation and
100 Economic and Community Development that explains why such
101 review was not conducted. A copy of the letter shall be included in
102 each application by the head of a municipal agency for funding for
103 development of real property submitted to said secretary or
104 commissioners until the plan is reviewed in accordance with this
105 subsection.

106 (c) The commission of any municipality more than twenty per cent
107 of which is existing preservation area, conservation area or rural land,
108 as defined in the state plan of conservation and development adopted
109 pursuant to chapter 297, shall consider as part of its plan of
110 conservation and development the use of cluster development to the
111 extent consistent with soil types, terrain and infrastructure capacity
112 within the municipality.]

113 (a) (1) At least once every ten years, the commission shall prepare,
114 adopt and amend a plan of conservation and development for the
115 municipality. Following adoption, the commission shall regularly
116 review and maintain such plan. The commission may adopt such

117 geographical, functional or other amendments to the plan or parts of
118 the plan, in accordance with the provisions of this section, as it deems
119 necessary. The commission may, at any time, prepare and adopt plans
120 for the redevelopment and improvement of districts or neighborhoods
121 which, in its judgment, contain special problems or opportunities or
122 show a trend toward lower land values.

123 (2) If a plan is not amended decennially, the chief elected official of
124 the municipality shall submit a letter to the Secretary of the Office of
125 Policy and Management and the Commissioners of Transportation,
126 Environmental Protection and Economic and Community
127 Development that explains why such review was not conducted. Until
128 the plan is reviewed in accordance with this subsection, a copy of such
129 letter shall be included in each application by the municipality for
130 funding for the conservation or development of real property
131 submitted to said secretary or commissioners.

132 (b) In the preparation of such plan, the commission may appoint
133 one or more special committees to develop and make
134 recommendations for the plan. The membership of the special
135 committee may include: Residents of the municipality and
136 representation from local boards dealing with zoning, inland wetlands,
137 conservation, recreation, education, public works, finance,
138 redevelopment, general government and other municipal functions. In
139 performing its duties under this section, the commission or any special
140 committee may accept information from any source or solicit input
141 from any organization or individual. The commission or any special
142 committee may hold public informational meetings or organize other
143 activities to inform residents about the process of preparing the plan.

144 (c) In preparing such plan, the commission or any special committee
145 shall consider the following: (1) The community development action
146 plan of the municipality, if any, (2) the need for affordable housing, (3)
147 the need for protection of existing and potential public surface and
148 ground drinking water supplies, (4) the use of cluster development

149 and other development patterns to the extent consistent with soil
150 types, terrain and infrastructure capacity within the municipality, (5)
151 the state plan of conservation and development adopted pursuant to
152 chapter 297, (6) physical, social, economic and governmental
153 conditions and trends, (7) the needs of the municipality including, but
154 not limited to, human resources, education, health, housing, recreation,
155 social services, public utilities, public protection, transportation and
156 circulation and cultural and interpersonal communications, and (8) the
157 objectives of energy-efficient patterns of development, the use of solar
158 and other renewable forms of energy, and energy conservation.

159 (d) (1) Such plan of conservation and development shall (A) be a
160 statement of policies, goals and standards for the physical and
161 economic development of the municipality, (B) be designed to
162 promote, with the greatest efficiency and economy, the coordinated
163 development of the municipality and the general welfare and
164 prosperity of its people, (C) recommend the most desirable use of land
165 within the municipality for residential, recreational, commercial,
166 industrial, conservation and other purposes, (D) recommend the most
167 desirable density of population in the several parts of the municipality,
168 (E) note any inconsistencies it may have with the state plan of
169 conservation and development adopted pursuant to chapter 297, (F)
170 make provision for the development of housing opportunities,
171 including opportunities for multifamily dwellings, consistent with soil
172 types, terrain and infrastructure capacity, for all residents of the
173 municipality and the planning region in which the municipality is
174 located, as designated by the Secretary of the Office of Policy and
175 Management under section 16a-4a, (G) promote housing choice and
176 economic diversity in housing, including housing for both low and
177 moderate-income households, and encourage the development of
178 housing which will meet the housing needs identified in the housing
179 plan prepared pursuant to section 8-37t and in the housing component
180 and the other components of the state plan of conservation and
181 development prepared pursuant to section 16a-26.

182 (2) For any municipality that is contiguous to Long Island Sound,
183 such plan shall be (A) consistent with the Municipal Coastal Program
184 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with
185 reasonable consideration for restoration and protection of the
186 ecosystem and habitat of Long Island Sound, and (C) designed to
187 reduce hypoxia, pathogens, toxic contaminants and floatable debris in
188 Long Island Sound.

189 (e) Such plan may show the commission's and any special
190 committee's recommendation for (1) conservation and preservation of
191 traprock and other ridgelines, (2) a system of principal thoroughfares,
192 parkways, bridges, streets and other public ways, (3) airports, parks,
193 playgrounds and other public grounds, (4) the general location,
194 relocation and improvement of public buildings, (5) the general
195 location and extent of public utilities and terminals, whether publicly
196 or privately owned, for water, sewerage, light, power, transit and other
197 purposes, (6) the extent and location of public housing projects, (7)
198 recommended programs for the implementation of the plan, including
199 (A) a schedule, (B) a budget for public capital projects, (C) a program
200 for enactment and enforcement of zoning and subdivision controls,
201 building and housing codes and safety regulations, (D) plans for
202 implementation of affordable housing, and (E) plans for open space
203 acquisition and greenways protection and development, and (8) any
204 other recommendations as will, in the commission's or any special
205 committee's judgment, be beneficial to the municipality. The plan may
206 include any necessary and related maps, explanatory material,
207 photographs, charts or other pertinent data and information relative to
208 the past, present and future trends of the municipality.

209 (f) A plan of conservation and development or any part thereof or
210 amendment thereto prepared by the commission or any special
211 committee shall be reviewed, and may be amended, by the
212 commission prior to scheduling at least one public hearing on
213 adoption. At least sixty-five days prior to the public hearing on
214 adoption, the commission shall submit a copy of such plan or part

215 thereof or amendment thereto for review and comment to the board of
216 selectmen, council, or other municipal or district body charged with
217 the duty of making annual appropriations. Such body may hold one or
218 more hearings on the proposed plan and shall submit any comments to
219 the commission prior to the public hearing on adoption. The failure of
220 the legislative body to report prior to or at the public hearing shall be
221 taken as approval of the plan. At least sixty-five days prior to the
222 public hearing on adoption, the commission shall submit a copy of
223 such plan to the regional planning agency for review and comment.
224 The regional planning agency shall report its comments to the
225 commission at or before the hearing, and such report shall be read
226 aloud at the hearing. The failure of the regional planning agency to
227 report at or before the hearing shall be taken as approval of the plan.
228 The report of the regional planning agency shall be purely advisory.
229 Prior to the public hearing on adoption, the commission shall file in the
230 office of the town clerk a copy of such plan or part thereof or
231 amendment thereto but, in the case of a district commission, such
232 commission shall file such information in the offices of both the district
233 clerk and the town clerk. The commission shall cause to be published
234 in a newspaper having a general circulation in the municipality, at
235 least twice at intervals of not less than two days, the first not more than
236 fifteen days, nor less than ten days, and the last not less than two days
237 prior to the date of each such hearing, notice of the time and place of
238 any such public hearing. Such notice shall make reference to the filing
239 of such plan in the office of the town clerk, or both the district clerk
240 and the town clerk, as the case may be.

241 (g) The commission may adopt the plan or any part thereof or
242 amendment thereto by a single resolution or may, by successive
243 resolutions, adopt parts of the plan and amendments thereto. Any
244 plan, section of a plan or recommendation in the plan, disapproved by
245 the legislative body may be adopted by the commission by a vote of
246 not less than two-thirds of all the members of the commission. Upon
247 adoption by the commission, any plan or part thereof or amendment
248 thereto shall become effective at a time established by the commission,

249 provided notice thereof shall be published in a newspaper having a
250 general circulation in the municipality prior to such effective date. Any
251 plan or part thereof or amendment thereto shall be filed in the office of
252 the town clerk, except that, if it is a district plan or amendment, it shall
253 be filed in the offices of both the district and town clerk.

254 (h) Following adoption of a new plan by the commission, the
255 legislative body of any municipality may hold one or more hearings on
256 the proposed plan and, by resolution, may endorse, the plan for the
257 municipality.

258 Sec. 2. Subdivision (4) of subsection (a) of section 7-536 of the
259 general statutes is repealed and the following is substituted in lieu
260 thereof:

261 (4) "Local capital improvement project" means a municipal capital
262 expenditure project for any of the following purposes: (A) Road
263 construction, renovation, repair or resurfacing, (B) sidewalk and
264 pavement improvements, (C) construction, renovation, enlargement or
265 repair of sewage treatment plants and sanitary or storm, water or
266 sewer lines, including separation of lines, (D) public building
267 construction other than schools, including renovation, repair, code
268 compliance, energy conservation and fire safety projects, (E)
269 construction, renovation, enlargement or repair of dams, bridges and
270 flood control projects, (F) construction, renovation, enlargement or
271 repair of water treatment or filtration plants and water mains, (G)
272 construction, renovation or enlargement of solid waste facilities, (H)
273 improvements to public parks, (I) the preparation and revision of local
274 capital improvement plans projected for a period of not less than five
275 years and so prepared as to show the general description, need and
276 estimated cost of each individual capital improvement, (J)
277 improvements to emergency communications systems, (K) public
278 housing projects, including renovations and improvements and energy
279 conservation and the development of additional housing, (L)
280 renovations to or construction of veterans' memorial monuments, (M)

281 improvements to information technology systems to manage the
282 century date change effect, as defined in section 4d-16, (N) thermal
283 imaging systems, [and] (O) bulky waste and landfill projects, and (P)
284 the preparation and revision of municipal plans of development
285 adopted pursuant to section 8-23, as amended by this act, provided
286 such plans are endorsed by the legislative body of the municipality not
287 more than one hundred eighty days after adoption by the commission.
288 "Local capital improvement project" means only capital expenditures
289 and includes repairs incident to reconstruction and renovation but
290 does not include ordinary repairs and maintenance of an ongoing
291 nature.

292 Sec. 3. Section 7-536 of the general statutes is amended by adding
293 subsection (j) as follows:

294 (NEW) (j) No municipality shall be eligible to receive financial
295 assistance under this section for reimbursement of the cost of
296 preparing a municipal plan of conservation and development,
297 pursuant to section 8-23, as amended by this act, more than once in
298 any ten-year calendar period.

299 Sec. 4. This act shall take effect from its passage and shall apply to
300 municipal plans of conservation and development adopted before or
301 after the effective date of this act.

Statement of Purpose:

To clarify and reorganize the process for planning commissions to
adopt municipal plans of conservation and development.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]