



General Assembly

**Substitute Bill No. 6641**

*January Session, 2003*

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE  
CONNECTICUT TRANSPORTATION STRATEGY BOARD FOR LAND  
USE AND ECONOMIC DEVELOPMENT.**

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

1 Section 1. Section 16a-27 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The secretary, after consultation with all appropriate state,  
4 regional and local agencies and other appropriate persons shall prior  
5 to March 1, 2003, complete a revision of the existing plan and enlarge it  
6 to include, but not be limited to, policies relating to transportation,  
7 energy and air. Any revision made after May 15, 1991, shall identify  
8 the major transportation proposals, including proposals for mass  
9 transit, contained in the master transportation plan prepared pursuant  
10 to section 13b-15. Any revision made after July 1, 1995, shall take into  
11 consideration the conservation and development of greenways that  
12 have been designated by municipalities and shall recommend that  
13 state agencies coordinate their efforts to support the development of a  
14 state-wide greenways system. The Commissioner of Environmental  
15 Protection shall identify state-owned land for inclusion in the plan as  
16 potential components of a state greenways system. Any revision made  
17 after the effective date of this section shall take into account (1)  
18 economic and community development needs and patterns of  
19 commerce, and (2) linkages of affordable housing objectives and land

20 use planning with transportation systems.

21 (b) Thereafter on or before March first in each revision year the  
22 secretary shall complete a revision of the plan of conservation and  
23 development.

24 Sec. 2. Section 16a-31 of the general statutes is repealed and the  
25 following is substituted in lieu thereof (*Effective from passage*):

26 (a) All plans for transportation, economic development, housing,  
27 water supply, sewers, farmland preservation, open space and natural  
28 heritage preservation that are required by state or federal law and  
29 prepared by state departments, agencies or institutions shall be  
30 consistent with the state plan of conservation and development not  
31 more than two years after the effective date of this section. Thereafter,  
32 each state department, agency or institution shall revise each such plan  
33 not more than two years after adoption by the General Assembly of the  
34 state plan of conservation and development. A draft of any such plan  
35 shall be submitted to the secretary for review. The secretary shall  
36 provide to the preparer of the plan a report commenting on the extent  
37 to which the proposed plan conforms to the state plan of conservation  
38 and development. The state department, agency or institution shall  
39 revise the plan accordingly.

40 [(a)] (b) The following actions when undertaken by any state  
41 agency, with state or federal funds, shall be consistent with the plan,  
42 except if federal law requires actions that are inconsistent with the  
43 plan:

44 (1) The acquisition of real property when the acquisition costs are in  
45 excess of one hundred thousand dollars;

46 (2) The development or improvement of real property when the  
47 development costs are in excess of one hundred thousand dollars;

48 (3) The acquisition of public transportation equipment or facilities  
49 when the acquisition costs are in excess of one hundred thousand

50 dollars; and

51 (4) The authorization of each state grant, any application for which  
52 is not pending on July 1, 1991, for an amount in excess of one hundred  
53 thousand dollars, for the acquisition or development or improvement  
54 of real property or for the acquisition of public transportation  
55 equipment or facilities.

56 [(b)] (c) A state agency shall request, and the secretary shall provide,  
57 an advisory statement commenting on the extent to which any of the  
58 actions specified in subsection [(a)] (b) of this section conforms to the  
59 plan and any agency may request and the secretary shall provide such  
60 other advisory reports as the state agency deems advisable.

61 [(c)] (d) The secretary shall submit and the State Bond Commission  
62 shall consider prior to the allocation of any bond funds for any of the  
63 actions specified in subsection [(a)] (b) of this section an advisory  
64 statement commenting on the extent to which such action is in  
65 conformity with the plan of conservation and development.

66 [(d)] (e) Notwithstanding subsection [(b)] (c) of this section, The  
67 University of Connecticut shall request, and the secretary shall  
68 provide, an advisory statement commenting on the extent the projects  
69 included in the third phase of UConn 2000, as defined in subdivision  
70 (25) of section 10a-109c, conform to the plan and the university may  
71 request and the secretary shall provide such other advisory reports as  
72 the university deems advisable. Notwithstanding subsection [(c)] (b) of  
73 this section, the secretary shall submit and the State Bond Commission  
74 shall consider prior to the approval of the master resolution or  
75 indenture for securities for the third phase of UConn 2000, pursuant to  
76 subsection (c) of section 10a-109g, the advisory statement prepared  
77 under this subsection.

78 [(e) Whenever a state agency is required by state or federal law to  
79 prepare a plan, it shall consider the state plan of conservation and  
80 development in the preparation of such plan. A draft of such plan shall  
81 be submitted to the secretary who shall provide for the preparer of the

82 plan an advisory report commenting on the extent to which the  
83 proposed plan conforms to the state plan of conservation and  
84 development.]

85 Sec. 3. (NEW) (*Effective from passage*) The Secretary of the Office of  
86 Policy and Management shall develop a set of recommendations for  
87 growth management goals and specific land use development policies  
88 to be enacted by state law. Such goals and policies should be sufficient  
89 to be used as a prescriptive management tool but should not (1)  
90 preclude site or project accommodation, or (2) be a basis for  
91 challenging state actions under any provision of the general statutes.  
92 The secretary shall submit a report to the joint standing committees of  
93 the General Assembly having cognizance of matters relating to  
94 planning and development and transportation of such  
95 recommendations on or before January 1, 2005.

96 Sec. 4. Subsection (a) of section 8-2 of the general statutes is repealed  
97 and the following is substituted in lieu thereof (*Effective from passage*):

98 (a) The zoning commission of each city, town or borough is  
99 authorized to regulate, within the limits of such municipality, the  
100 height, number of stories and size of buildings and other structures;  
101 the percentage of the area of the lot that may be occupied; the size of  
102 yards, courts and other open spaces; the density of population and the  
103 location and use of buildings, structures and land for trade, industry,  
104 residence or other purposes, including water-dependent uses as  
105 defined in section 22a-93, and the height, size and location of  
106 advertising signs and billboards. Such bulk regulations may allow for  
107 cluster development as defined in section 8-18. Such zoning  
108 commission may divide the municipality into districts of such number,  
109 shape and area as may be best suited to carry out the purposes of this  
110 chapter; and, within such districts, it may regulate the erection,  
111 construction, reconstruction, alteration or use of buildings or  
112 structures and the use of land. All such regulations shall be uniform  
113 for each class or kind of buildings, structures or use of land throughout  
114 each district, but the regulations in one district may differ from those

115 in another district, and may provide that certain classes or kinds of  
116 buildings, structures or uses of land are permitted only after obtaining  
117 a special permit or special exception from a zoning commission,  
118 planning commission, combined planning and zoning commission or  
119 zoning board of appeals, whichever commission or board the  
120 regulations may, notwithstanding any special act to the contrary,  
121 designate, subject to standards set forth in the regulations and to  
122 conditions necessary to protect the public health, safety, convenience  
123 and property values. Such regulations shall be made in accordance  
124 with a comprehensive plan and in adopting such regulations the  
125 commission shall consider the plan of conservation and development  
126 prepared under section 8-23, as amended by this act, except that not  
127 more than two years after the municipal plan of development is  
128 revised pursuant to section 8-23, as amended by this act, the  
129 regulations shall be made to be consistent with the municipal plan of  
130 conservation and development. Such regulations shall be designed to  
131 lessen congestion in the streets; to secure safety from fire, panic, flood  
132 and other dangers; to promote health and the general welfare; to  
133 provide adequate light and air; to prevent the overcrowding of land; to  
134 avoid undue concentration of population and to facilitate the adequate  
135 provision for transportation, water, sewerage, schools, parks and other  
136 public requirements. Such regulations shall be made with reasonable  
137 consideration as to the character of the district and its peculiar  
138 suitability for particular uses and with a view to conserving the value  
139 of buildings and encouraging the most appropriate use of land  
140 throughout such municipality. Such regulations may, to the extent  
141 consistent with soil types, terrain, infrastructure capacity and the plan  
142 of conservation and development for the community, provide for  
143 cluster development, as defined in section 8-18, in residential zones.  
144 Such regulations shall also encourage the development of housing  
145 opportunities, including opportunities for multifamily dwellings,  
146 consistent with soil types, terrain and infrastructure capacity, for all  
147 residents of the municipality and the planning region in which the  
148 municipality is located, as designated by the Secretary of the Office of  
149 Policy and Management under section 16a-4a. Such regulations shall

150 also promote housing choice and economic diversity in housing,  
151 including housing for both low and moderate income households, and  
152 shall encourage the development of housing which will meet the  
153 housing needs identified in the housing plan prepared pursuant to  
154 section 8-37t and in the housing component and the other components  
155 of the state plan of conservation and development prepared pursuant  
156 to section 16a-26. Zoning regulations shall be made with reasonable  
157 consideration for their impact on agriculture. Zoning regulations may  
158 be made with reasonable consideration for the protection of historic  
159 factors and shall be made with reasonable consideration for the  
160 protection of existing and potential public surface and ground  
161 drinking water supplies. On and after July 1, 1985, the regulations shall  
162 provide that proper provision be made for soil erosion and sediment  
163 control pursuant to section 22a-329. Such regulations may also  
164 encourage energy-efficient patterns of development, the use of solar  
165 and other renewable forms of energy, and energy conservation. The  
166 regulations may also provide for incentives for developers who use  
167 passive solar energy techniques, as defined in subsection (b) of section  
168 8-25, as amended by this act, in planning a residential subdivision  
169 development. The incentives may include, but not be limited to, cluster  
170 development, higher density development and performance standards  
171 for roads, sidewalks and underground facilities in the subdivision.  
172 Such regulations may provide for a municipal system for the creation  
173 of development rights and the permanent transfer of such  
174 development rights, which may include a system for the variance of  
175 density limits in connection with any such transfer. Such regulations  
176 may also provide for notice requirements in addition to those required  
177 by this chapter. Such regulations may provide for conditions on  
178 operations to collect spring water or well water, as defined in section  
179 21a-150, including the time, place and manner of such operations. No  
180 such regulations shall prohibit the operation of any family day care  
181 home or group day care home in a residential zone. Such regulations  
182 shall not impose conditions and requirements on manufactured homes  
183 having as their narrowest dimension twenty-two feet or more and  
184 built in accordance with federal manufactured home construction and

185 safety standards or on lots containing such manufactured homes  
186 which are substantially different from conditions and requirements  
187 imposed on single-family dwellings and lots containing single-family  
188 dwellings. Such regulations shall not impose conditions and  
189 requirements on developments to be occupied by manufactured homes  
190 having as their narrowest dimension twenty-two feet or more and  
191 built in accordance with federal manufactured home construction and  
192 safety standards which are substantially different from conditions and  
193 requirements imposed on multifamily dwellings, lots containing  
194 multifamily dwellings, cluster developments or planned unit  
195 developments. Such regulations shall not prohibit the continuance of  
196 any nonconforming use, building or structure existing at the time of  
197 the adoption of such regulations. Such regulations shall not provide  
198 for the termination of any nonconforming use solely as a result of  
199 nonuse for a specified period of time without regard to the intent of  
200 the property owner to maintain that use. Any city, town or borough  
201 which adopts the provisions of this chapter may, by vote of its  
202 legislative body, exempt municipal property from the regulations  
203 prescribed by the zoning commission of such city, town or borough;  
204 but unless it is so voted municipal property shall be subject to such  
205 regulations.

206       Sec. 5. (NEW) (*Effective from passage*) (a) On and after zoning  
207 regulations, adopted under section 8-2 of the general statutes or any  
208 special act, are revised to be consistent with the plan of conservation  
209 and development of the municipality, adopted under section 8-23 of  
210 the general statutes, as amended by this act, the zoning commission or  
211 combined planning and zoning commission shall determine if each  
212 application, petition, request or plan concerning a project on any site is  
213 consistent with said plan of conservation and development.

214       (b) If the commission determines the application, petition, request or  
215 plan is not consistent with the plan of conservation and development,  
216 the application, petition, request or plan shall be considered as a  
217 proposal to amend the plan of conservation and development, or, if  
218 there is a separate planning commission, the zoning commission shall

219 ask the planning commission to amend the sections of the plan of  
220 conservation and development that are not consistent with the  
221 application, petition, request or plan. The planning commission shall  
222 consider such proposal to amend the plan of conservation and  
223 development in the same manner that it considers amendments that  
224 the planning commission proposes. The zoning commission and the  
225 planning commission shall conduct a joint public hearing on the  
226 application in accordance with section 8-23 of the general statutes, as  
227 amended by this act, and such hearing shall be deemed sufficient to  
228 comply with section 8-7d of the general statutes. If the combined  
229 planning and zoning commission or the planning commission, as the  
230 case may be, adopts the amendment, the zoning commission shall find  
231 that the application, petition, request or plan is consistent with the  
232 plan of conservation and development and such application, petition,  
233 request or plan may be approved by the zoning commission.

234 Sec. 6. Section 8-23 of the general statutes is repealed and the  
235 following is substituted in lieu thereof (*Effective from passage*):

236 (a) (1) At least once every ten years, the commission shall prepare or  
237 amend and shall adopt a plan of conservation and development for the  
238 municipality. Following adoption, the commission shall regularly  
239 review and maintain such plan. The commission may adopt such  
240 geographical, functional or other amendments to the plan or parts of  
241 the plan, in accordance with the provisions of this section, as it deems  
242 necessary. The commission may, at any time, prepare, amend and  
243 adopt plans for the redevelopment and improvement of districts or  
244 neighborhoods which, in its judgment, contain special problems or  
245 opportunities or show a trend toward lower land values.

246 (2) If a plan is not amended decennially, the chief elected official of  
247 the municipality shall submit a letter to the Secretary of the Office of  
248 Policy and Management and the Commissioners of Transportation,  
249 Environmental Protection and Economic and Community  
250 Development that explains why such plan was not amended. Until the  
251 plan is amended in accordance with this subsection, a copy of such

252 letter shall be included in each application by the municipality for  
253 funding for the conservation or development of real property  
254 submitted to said secretary or commissioners.

255 (b) In the preparation of such plan, the commission may appoint  
256 one or more special committees to develop and make  
257 recommendations for the plan. The membership of any special  
258 committee may include: Residents of the municipality and  
259 representatives of local boards dealing with zoning, inland wetlands,  
260 conservation, recreation, education, public works, finance,  
261 redevelopment, general government and other municipal functions. In  
262 performing its duties under this section, the commission or any special  
263 committee may accept information from any source or solicit input  
264 from any organization or individual. The commission or any special  
265 committee may hold public informational meetings or organize other  
266 activities to inform residents about the process of preparing the plan.

267 (c) In preparing such plan, the commission or any special committee  
268 shall consider the following: (1) The community development action  
269 plan of the municipality, if any, (2) the need for affordable housing, (3)  
270 the need for protection of existing and potential public surface and  
271 ground drinking water supplies, (4) the use of cluster development  
272 and other development patterns to the extent consistent with soil  
273 types, terrain and infrastructure capacity within the municipality, (5)  
274 the state plan of conservation and development adopted pursuant to  
275 chapter 297, (6) the regional plan of development adopted pursuant to  
276 section 8-35a, as amended by this act, (7) physical, social, economic  
277 and governmental conditions and trends, (8) the needs of the  
278 municipality including, but not limited to, human resources,  
279 education, health, housing, recreation, social services, public utilities,  
280 public protection, transportation and circulation and cultural and  
281 interpersonal communications, and (9) the objectives of energy-  
282 efficient patterns of development, the use of solar and other renewable  
283 forms of energy and energy conservation. In any revision made after  
284 the plan is updated in accordance with this section, the commission  
285 shall note on the record any inconsistency with the state plan of

286 conservation and development and the reasons for such inconsistency.  
287 The commission shall notify the Secretary of the Office of Policy and  
288 Management of the inconsistency and the reasons therefor.

289 (d) (1) Such plan of conservation and development shall (A) be a  
290 statement of policies, goals and standards for the physical and  
291 economic development of the municipality, (B) be designed to  
292 promote, with the greatest efficiency and economy, the coordinated  
293 development of the municipality and the general welfare and  
294 prosperity of its people, (C) recommend the most desirable use of land  
295 within the municipality for residential, recreational, commercial,  
296 industrial, conservation and other purposes, (D) recommend the most  
297 desirable density of population in the several parts of the municipality,  
298 (E) note any inconsistencies it may have with the state plan of  
299 conservation and development adopted pursuant to chapter 297, (F)  
300 make provision for the development of housing opportunities,  
301 including opportunities for multifamily dwellings, consistent with soil  
302 types, terrain and infrastructure capacity, for all residents of the  
303 municipality and the planning region in which the municipality is  
304 located, as designated by the Secretary of the Office of Policy and  
305 Management under section 16a-4a, (G) promote housing choice and  
306 economic diversity in housing, including housing for both low and  
307 moderate income households, and encourage the development of  
308 housing which will meet the housing needs identified in the housing  
309 plan prepared pursuant to section 8-37t and in the housing component  
310 and the other components of the state plan of conservation and  
311 development prepared pursuant to chapter 297.

312 (2) For any municipality that is contiguous to Long Island Sound,  
313 such plan shall be (A) consistent with the municipal coastal program  
314 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with  
315 reasonable consideration for restoration and protection of the  
316 ecosystem and habitat of Long Island Sound, and (C) designed to  
317 reduce hypoxia, pathogens, toxic contaminants and floatable debris in  
318 Long Island Sound.

319 (e) Such plan may show the commission's and any special  
320 committee's recommendation for (1) conservation and preservation of  
321 traprock and other ridgelines, (2) a system of principal thoroughfares,  
322 parkways, bridges, streets and other public ways, (3) airports, parks,  
323 playgrounds and other public grounds, (4) the general location,  
324 relocation and improvement of public buildings, (5) the general  
325 location and extent of public utilities and terminals, whether publicly  
326 or privately owned, for water, sewerage, light, power, transit and other  
327 purposes, (6) the extent and location of public housing projects, (7)  
328 programs for the implementation of the plan, including (A) a schedule,  
329 (B) a budget for public capital projects, (C) a program for enactment  
330 and enforcement of zoning and subdivision controls, building and  
331 housing codes and safety regulations, (D) plans for implementation of  
332 affordable housing, and (E) plans for open space acquisition and  
333 greenways protection and development, and (8) any other  
334 recommendations as will, in the commission's or any special  
335 committee's judgment, be beneficial to the municipality. The plan may  
336 include any necessary and related maps, explanatory material,  
337 photographs, charts or other pertinent data and information relative to  
338 the past, present and future trends of the municipality.

339 (f) A plan of conservation and development or any part thereof or  
340 amendment thereto prepared by the commission or any special  
341 committee shall be reviewed, and may be amended, by the  
342 commission prior to scheduling at least one public hearing on  
343 adoption. At least sixty-five days prior to the public hearing on  
344 adoption, the commission shall submit a copy of such plan or part  
345 thereof or amendment thereto for review and comment to the  
346 legislative body. Such body may hold one or more hearings on the  
347 proposed plan and shall submit any comments to the commission  
348 prior to the public hearing on adoption. The failure of such body to  
349 report prior to or at the public hearing shall be taken as approval of the  
350 plan. At least sixty-five days prior to the public hearing on adoption,  
351 the commission shall submit a copy of such plan to the regional  
352 planning agency for review and comment. The regional planning

353 agency shall report its comments to the commission at or before the  
354 hearing. The failure of the regional planning agency to report at or  
355 before the hearing shall be taken as approval of the plan. The report of  
356 the regional planning agency shall be advisory. Prior to the public  
357 hearing on adoption, the commission shall file in the office of the town  
358 clerk a copy of such plan or part thereof or amendment thereto but, in  
359 the case of a district commission, such commission shall file such  
360 information in the offices of both the district clerk and the town clerk.  
361 The commission shall cause to be published in a newspaper having a  
362 general circulation in the municipality, at least twice at intervals of not  
363 less than two days, the first not more than fifteen days, nor less than  
364 ten days, and the last not less than two days prior to the date of each  
365 such hearing, notice of the time and place of any such public hearing.  
366 Such notice shall make reference to the filing of such plan in the office  
367 of the town clerk, or both the district clerk and the town clerk, as the  
368 case may be.

369 (g) The commission may adopt the plan or any part thereof or  
370 amendment thereto by a single resolution or may, by successive  
371 resolutions, adopt parts of the plan and amendments thereto. Any  
372 plan, section of a plan or recommendation in the plan, not endorsed by  
373 the legislative body of the municipality may be adopted by the  
374 commission by a vote of not less than two-thirds of all the members of  
375 the commission. Upon adoption by the commission, any plan or part  
376 thereof or amendment thereto shall become effective at a time  
377 established by the commission, provided notice thereof shall be  
378 published in a newspaper having a general circulation in the  
379 municipality prior to such effective date. Any plan or part thereof or  
380 amendment thereto shall be filed in the office of the town clerk, except  
381 that, if it is a district plan or amendment, it shall be filed in the offices  
382 of both the district and town clerk.

383 (h) Following adoption of a new plan by the commission, the  
384 legislative body of any municipality may hold one or more hearings on  
385 the proposed plan and, by resolution, may endorse the plan for the  
386 municipality.

387 Sec. 7. Section 8-25 of the general statutes is repealed and the  
388 following is substituted in lieu thereof (*Effective from passage*):

389 (a) No subdivision of land shall be made until a plan for such  
390 subdivision has been approved by the commission. Any person, firm  
391 or corporation making any subdivision of land without the approval of  
392 the commission shall be fined not more than five hundred dollars for  
393 each lot sold or offered for sale or so subdivided. Any plan for  
394 subdivision shall, upon approval, or when taken as approved by  
395 reason of the failure of the commission to act, be filed or recorded by  
396 the applicant in the office of the town clerk within ninety days of the  
397 expiration of the appeal period under section 8-8, or in the case of an  
398 appeal, within ninety days of the termination of such appeal by  
399 dismissal, withdrawal or judgment in favor of the applicant but, if it is  
400 a plan for subdivision wholly or partially within a district, it shall be  
401 filed in the offices of both the district clerk and the town clerk, and any  
402 plan not so filed or recorded within the prescribed time shall become  
403 null and void, except that the commission may extend the time for  
404 such filing for two additional periods of ninety days and the plan shall  
405 remain valid until the expiration of such extended time. All such plans  
406 shall be delivered to the applicant for filing or recording not more than  
407 thirty days after the time for taking an appeal from the action of the  
408 commission has elapsed or not more than thirty days after the date  
409 that plans modified in accordance with the commission's approval and  
410 that comply with section 7-31 are delivered to the commission,  
411 whichever is later, and in the event of an appeal, not more than thirty  
412 days after the termination of such appeal by dismissal, withdrawal or  
413 judgment in favor of the applicant or not more than thirty days after  
414 the date that plans modified in accordance with the commission's  
415 approval and that comply with section 7-31 are delivered to the  
416 commission, whichever is later. No such plan shall be recorded or filed  
417 by the town clerk or district clerk or other officer authorized to record  
418 or file plans until its approval has been endorsed thereon by the  
419 chairman or secretary of the commission, and the filing or recording of  
420 a subdivision plan without such approval shall be void. Before

421 exercising the powers granted in this section, the commission shall  
422 adopt regulations covering the subdivision of land. No such  
423 regulations shall become effective until after a public hearing, notice of  
424 the time, place and purpose of which shall be given by publication in a  
425 newspaper of general circulation in the municipality at least twice, at  
426 intervals of not less than two days, the first not more than fifteen days  
427 nor less than ten days, and the last not less than two days prior to the  
428 date of such hearing. Such regulations shall provide that the land to be  
429 subdivided shall be of such character that it can be used for building  
430 purposes without danger to health or the public safety, that proper  
431 provision shall be made for water, sewerage and drainage, including  
432 the upgrading of any downstream ditch, culvert or other drainage  
433 structure which, through the introduction of additional drainage due  
434 to such subdivision, becomes undersized and creates the potential for  
435 flooding on a state highway, and, in areas contiguous to brooks, rivers  
436 or other bodies of water subject to flooding, including tidal flooding,  
437 that proper provision shall be made for protective flood control  
438 measures and that the proposed streets are in harmony with existing  
439 or proposed principal thoroughfares shown in the plan of conservation  
440 and development as described in section 8-23, especially in regard to  
441 safe intersections with such thoroughfares, and so arranged and of  
442 such width, as to provide an adequate and convenient system for  
443 present and prospective traffic needs. Such regulations shall also  
444 provide that the commission may require the provision of open spaces,  
445 parks and playgrounds when, and in places, deemed proper by the  
446 planning commission, which open spaces, parks and playgrounds  
447 shall be shown on the subdivision plan. Such regulations may, with  
448 the approval of the commission, authorize the applicant to pay a fee to  
449 the municipality or pay a fee to the municipality and transfer land to  
450 the municipality in lieu of any requirement to provide open spaces.  
451 Such payment or combination of payment and the fair market value of  
452 land transferred shall be equal to not more than ten per cent of the fair  
453 market value of the land to be subdivided prior to the approval of the  
454 subdivision. The fair market value shall be determined by an appraiser  
455 jointly selected by the commission and the applicant. A fraction of

456 such payment the numerator of which is one and the denominator of  
457 which is the number of approved parcels in the subdivision shall be  
458 made at the time of the sale of each approved parcel of land in the  
459 subdivision and placed in a fund in accordance with the provisions of  
460 section 8-25b. The open space requirements of this section shall not  
461 apply if the transfer of all land in a subdivision of less than five parcels  
462 is to a parent, child, brother, sister, grandparent, grandchild, aunt,  
463 uncle or first cousin for no consideration, or if the subdivision is to  
464 contain affordable housing, as defined in section 8-39a, equal to twenty  
465 per cent or more of the total housing to be constructed in such  
466 subdivision. Such regulations, on and after July 1, 1985, shall provide  
467 that proper provision be made for soil erosion and sediment control  
468 pursuant to section 22a-329. Such regulations shall not impose  
469 conditions and requirements on manufactured homes having as their  
470 narrowest dimension twenty-two feet or more and built in accordance  
471 with federal manufactured home construction and safety standards or  
472 on lots containing such manufactured homes which are substantially  
473 different from conditions and requirements imposed on single-family  
474 dwellings and lots containing single-family dwellings. Such  
475 regulations shall not impose conditions and requirements on  
476 developments to be occupied by manufactured homes having as their  
477 narrowest dimension twenty-two feet or more and built in accordance  
478 with federal manufactured home construction and safety standards  
479 which are substantially different from conditions and requirements  
480 imposed on multifamily dwellings, lots containing multifamily  
481 dwellings, cluster developments or planned unit developments. The  
482 commission may also prescribe the extent to which and the manner in  
483 which streets shall be graded and improved and public utilities and  
484 services provided and, in lieu of the completion of such work and  
485 installations previous to the final approval of a plan, the commission  
486 may accept a bond in an amount and with surety and conditions  
487 satisfactory to it securing to the municipality the actual construction,  
488 maintenance and installation of such improvements and utilities  
489 within a period specified in the bond. Such regulations may provide,  
490 in lieu of the completion of the work and installations above referred

491 to, previous to the final approval of a plan, for an assessment or other  
492 method whereby the municipality is put in an assured position to do  
493 such work and make such installations at the expense of the owners of  
494 the property within the subdivision. Such regulations may provide  
495 that in lieu of either the completion of the work or the furnishing of a  
496 bond as provided in this section, the commission may authorize the  
497 filing of a plan with a conditional approval endorsed thereon. Such  
498 approval shall be conditioned on (1) the actual construction,  
499 maintenance and installation of any improvements or utilities  
500 prescribed by the commission, or (2) the provision of a bond as  
501 provided in this section. Upon the occurrence of either of such events,  
502 the commission shall cause a final approval to be endorsed thereon in  
503 the manner provided by this section. Any such conditional approval  
504 shall lapse five years from the date it is granted, provided the  
505 applicant may apply for and the commission may, in its discretion,  
506 grant a renewal of such conditional approval for an additional period  
507 of five years at the end of any five-year period, except that the  
508 commission may, by regulation, provide for a shorter period of  
509 conditional approval or renewal of such approval. Any person, firm or  
510 corporation who, prior to such final approval, sells or offers for sale  
511 any lot subdivided pursuant to a conditional approval shall be fined  
512 not more than five hundred dollars for each lot sold or offered for sale.

513 (b) The regulations adopted under subsection (a) of this section shall  
514 also encourage energy-efficient patterns of development and land use,  
515 the use of solar and other renewable forms of energy, and energy  
516 conservation. The regulations shall require any person submitting a  
517 plan for a subdivision to the commission under subsection (a) of this  
518 section to demonstrate to the commission that such person has  
519 considered, in developing the plan, using passive solar energy  
520 techniques which would not significantly increase the cost of the  
521 housing to the buyer, after tax credits, subsidies and exemptions. As  
522 used in this subsection and section 8-2, passive solar energy techniques  
523 mean site design techniques which maximize solar heat gain, minimize  
524 heat loss and provide thermal storage within a building during the

525 heating season and minimize heat gain and provide for natural  
526 ventilation during the cooling season. The site design techniques shall  
527 include, but not be limited to: (1) House orientation; (2) street and lot  
528 layout; (3) vegetation; (4) natural and man-made topographical  
529 features; and (5) protection of solar access within the development.

530 (c) The regulations adopted under subsection (a) of this section,  
531 may, to the extent consistent with soil types, terrain, infrastructure  
532 capacity and the plan of development for the community, provide for  
533 cluster development, and may provide for incentives for cluster  
534 development such as density bonuses, or may require cluster  
535 development.

536 (d) Not more than two years after the municipal plan of  
537 conservation and development is revised pursuant to section 8-23, as  
538 amended by this act, the regulations shall be reviewed, and revised, if  
539 needed, to be consistent with the municipal plan of conservation and  
540 development. The commission shall note on the record any  
541 inconsistency with the state plan of conservation and development and  
542 the reasons for such inconsistency. The commission shall notify the  
543 Secretary of the Office of Policy and Management of the inconsistency  
544 and the reasons therefor.

545 Sec. 8. (NEW) (*Effective from passage*) (a) On and after subdivision  
546 regulations adopted under subsection (a) of section 8-25 of the general  
547 statutes, as amended by this act, are revised to be consistent with the  
548 plan of conservation and development of the municipality, adopted  
549 under section 8-23 of the general statutes, as amended by this act, the  
550 planning commission shall determine if each application, request or  
551 appeal submitted to the commission is consistent with said plan of  
552 conservation and development.

553 (b) If the commission determines the application, request or appeal  
554 is not consistent with the plan of conservation and development, the  
555 application, request or appeal shall be considered as a proposal to  
556 amend the plan of conservation and development. The commission

557 shall conduct a public hearing on the proposal in accordance with  
558 section 8-23 of the general statutes, as amended by this act, and such  
559 hearing shall be deemed sufficient to comply with section 8-26d of the  
560 general statutes If the planning commission adopts the amendment,  
561 the commission shall find that the application, request or appeal is  
562 consistent with the plan of conservation and development and such  
563 application, request or appeal may be approved by the planning  
564 commission.

565 Sec. 9. Section 8-35a of the general statutes is repealed and the  
566 following is substituted in lieu thereof (*Effective from passage*):

567 (a) Each regional planning agency shall make a plan of development  
568 for its area of operation, showing its recommendations for the general  
569 use of the area including land use, housing, principal highways and  
570 freeways, bridges, airports, parks, playgrounds, recreational areas,  
571 schools, public institutions, public utilities and such other matters as,  
572 in the opinion of the agency, will be beneficial to the area. Any  
573 regional plan so developed shall be based on studies of physical,  
574 social, economic and governmental conditions and trends and shall be  
575 designed to promote with the greatest efficiency and economy the  
576 coordinated development of its area of operation and the general  
577 welfare and prosperity of its people. Any revision made after the  
578 effective date of this section shall take into account (1) economic and  
579 community development needs and patterns of commerce, and (2)  
580 linkages of affordable housing objectives and land use planning with  
581 transportation systems. Such plan may encourage energy-efficient  
582 patterns of development, the use of solar and other renewable forms of  
583 energy, and energy conservation. Such plan shall be designed to  
584 promote abatement of the pollution of the waters and air of the region.  
585 The plan of each region contiguous to Long Island Sound shall be  
586 designed to reduce hypoxia, pathogens, toxic contaminants and  
587 floatable debris in Long Island Sound. Before adopting the regional  
588 plan of development or any part thereof or amendment thereto the  
589 agency shall hold at least one public hearing thereon, notice of the  
590 time, place and subject of which shall be given in writing to the chief

591 executive officer and planning commission, where one exists, of each  
592 member town, city or borough, and to the Secretary of the Office of  
593 Policy and Management, or his designee. Notice of the time, place and  
594 subject of such hearing shall be published once in a newspaper having  
595 a substantial circulation in the region. Such notices shall be given not  
596 more than twenty days nor less than ten days before such hearing.  
597 Adoption of the plan or part thereof or amendment thereto shall be  
598 made by the affirmative vote of not less than a majority of the  
599 representatives on the agency. A copy of the plan or of any  
600 amendments thereto, signed by the chairman of the agency, shall be  
601 transmitted to the chief executive officers, the town, city or borough  
602 clerks, as the case may be, and to planning commissions, if any, in  
603 member towns, cities or boroughs, and to the Secretary of the Office of  
604 Policy and Management, or his designee. The regional planning  
605 agency shall assist municipalities within its region and state agencies  
606 and may assist other public and private agencies in developing and  
607 carrying out any regional plan or plans of such regional planning  
608 agency. The regional planning agency may provide administrative,  
609 management, technical or planning assistance to municipalities within  
610 its region and other public agencies under such terms as it may  
611 determine, provided, prior to entering into an agreement for assistance  
612 to any municipality or other public agency, the regional planning  
613 agency shall have adopted a policy governing such assistance. The  
614 regional planning agency may be compensated by the municipality or  
615 other public agency with which an agreement for assistance has been  
616 made for all or part of the cost of such assistance.

617 (b) The regional planning agency shall update the plan of  
618 development not more than two years after the effective date of this  
619 section. Thereafter, the commission shall note on the record any  
620 inconsistency with the state plan of conservation and development and  
621 the reasons for such inconsistency. The regional planning agency shall  
622 notify the Secretary of the Office of Policy and Management of the  
623 inconsistency and the reasons therefor.

624 Sec. 10. (NEW) (Effective October 1, 2003) (a) The Commissioner of

625 Economic and Community Development shall establish a program to  
626 expedite the review and approval of projects on preselected sites. The  
627 program shall include provisions for: (1) Identification and  
628 preselection of sites by municipalities for expedited review and  
629 approval; (2) lists of local and state permits required for development;  
630 (3) an inventory of sites specifying characteristics and preferred uses;  
631 (4) a process for marketing the sites to preferred users to be  
632 implemented by the Department of Economic and Community  
633 Development and municipalities; and (5) designation of local and state  
634 teams to facilitate regulatory approval and resolve potential disputes.

635 (b) In developing the program established in subsection (a) of this  
636 section, the Commissioner of Economic and Community Development  
637 shall consult with the Secretary of the Office of Policy and  
638 Management, the Commissioners of Environmental Protection,  
639 Transportation, Public Health and Revenue Services, the Labor  
640 Commissioner and regional planning agencies and municipalities.

641 (c) On or before January 1, 2004, and annually thereafter, the  
642 Commissioner of Economic and Community Development shall  
643 submit a report on the program, in accordance with section 11-4a of  
644 the general statutes, to the joint standing committee of the General  
645 Assembly having cognizance of matters relating to planning and  
646 development.

647 Sec. 11. (*Effective from passage*) The Chief Court Administrator, in  
648 consultation with the Commissioners of Transportation, Economic and  
649 Community Development and Environmental Protection,  
650 municipalities, regional planning agencies and developers and the  
651 public, shall conduct a study on the feasibility of a docket separate  
652 from other civil matters for the hearing of matters related to land use.  
653 The Chief Court Administrator shall submit a report on the study,  
654 including recommendations for policies and procedures to implement  
655 the docket and recommendations for the development of a program of  
656 land use education for judicial staff, to the joint standing committees of  
657 the General Assembly having cognizance of matters relating to

658 planning and development and the judiciary on or before January 1,  
659 2004, in accordance with section 11-4a of the general statutes.

660       Sec. 12. (NEW) (*Effective from passage*) (a) There is established a  
661 Geographic Information Systems Council consisting of the following  
662 members or their designees: (1) The Secretary of the Office of Policy  
663 and Management; (2) the Commissioner of Environmental Protection;  
664 (3) the Commissioner of Economic and Community Development; (4)  
665 the Commissioner of Transportation; (5) the Commissioner of  
666 Information Technology; (6) two members appointed by the president  
667 pro tempore of the Senate, one representing a municipality with a  
668 population of more than sixty thousand and one representing a  
669 regional planning agency; (7) two members appointed by the  
670 Governor, one representing a municipality with a population of less  
671 than sixty thousand but more than thirty thousand and one who is a  
672 user of geographic information systems; and (8) two members  
673 appointed by the speaker of the House of Representatives, one  
674 representing a municipality with a population of less than thirty  
675 thousand and one who is a user of geographic information systems.  
676 The Secretary of the Office of Policy and Management, or a designee,  
677 shall serve as chairperson of the council. The Governor shall fill any  
678 vacancy by appointment for the unexpired portion of the term vacated.  
679 Members shall receive no compensation for their services on said  
680 council, but shall be reimbursed for necessary expenses incurred in the  
681 performance of their duties. Said council shall hold one meeting each  
682 month and such additional meetings as may be prescribed by council  
683 rules. In addition, special meetings may be called by the chairperson or  
684 by any three members upon delivery of forty-eight hours' written  
685 notice to each member.

686       (b) The council shall coordinate a uniform geographic information  
687 system capacity for the state and municipalities which shall include  
688 provisions for application, policy and standards for government  
689 information system implementation. In establishing such capacity, the  
690 council shall consult with state agencies, municipalities and other users  
691 of geographic information system technology.

692 (c) The council shall administer a program of technical assistance to  
693 regional planning agencies and municipalities to develop geographic  
694 information systems.

695 (d) On or before January 1, 2004, and annually thereafter, the  
696 council shall submit a report on activities under this section to the joint  
697 standing committee of the General Assembly having cognizance of  
698 matters relating to planning and development.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>
Sec. 8	<i>from passage</i>
Sec. 9	<i>from passage</i>
Sec. 10	<i>October 1, 2003</i>
Sec. 11	<i>from passage</i>
Sec. 12	<i>from passage</i>

**PD**

**Joint Favorable Subst. C/R**

**TRA**