



General Assembly

January Session, 2007

**Bill No. 7090**

LCO No. 4077

\*04077 \_\_\_\_\_ \*

Referred to Committee on Planning and Development

Introduced by:

REP. CAFERO, 142<sup>nd</sup> Dist.

SEN. DELUCA, 32<sup>nd</sup> Dist.

***AN ACT CONCERNING RESPONSIBLE GROWTH.***

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

1 Section 1. (*Effective from passage*) There is established a Responsible  
2 Growth Task Force. The task force shall be comprised of the following  
3 members: (1) The Commissioners of Agriculture, Economic and  
4 Community Development, Environmental Protection, Public Health  
5 and Transportation and the chairperson of the board of directors of the  
6 Connecticut Housing Finance Authority, or their respective designees,  
7 and (2) six members appointed as follows: One each by the speaker of  
8 the House of Representatives, the president pro tempore of the Senate,  
9 the majority leader of the Senate, the majority leader of the House of  
10 Representatives, the minority leader of the Senate and the minority  
11 leader of the House of Representatives. The Secretary of the Office of  
12 Policy and Management, or the secretary's designee, shall be a member  
13 and the chairperson of the task force.

14 (b) The task force shall identify responsible growth criteria and  
15 standards to guide the state's future investment decisions, and study

16 transfer of development rights laws, policies and programs. Not later  
17 than October 1, 2007, the task force shall submit a report containing its  
18 recommendations to the Governor.

19 Sec. 2. Section 4-66c of the general statutes is amended by adding  
20 subsection (f) as follows (*Effective July 1, 2008*):

21 (NEW) (f) No funds made available under this section shall be  
22 utilized for any economic development project unless the Secretary of  
23 the Office of Policy and Management determines that the proposed use  
24 is consistent with responsible growth development criteria adopted  
25 pursuant to the provisions of the general statutes or any regulations  
26 adopted thereunder.

27 Sec. 3. Section 4-66g of the general statutes is amended by adding  
28 subsection (f) as follows (*Effective July 1, 2008*):

29 (NEW) (f) No funds made available under this section shall be  
30 utilized for any economic development project unless the Secretary of  
31 the Office of Policy and Management determines that the proposed use  
32 is consistent with responsible growth development criteria adopted  
33 pursuant to the provisions of the general statutes and any regulations  
34 adopted thereunder.

35 Sec. 4. Subsection (a) of section 16a-31 of the general statutes is  
36 repealed and the following is substituted in lieu thereof (*Effective July*  
37 *1, 2008*):

38 (a) The following actions when undertaken by any state agency,  
39 with state or federal funds, shall be consistent with the plan:

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

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

44 (3) The acquisition of public transportation equipment or facilities  
45 when the acquisition costs are in excess of one hundred thousand  
46 dollars; [and]

47 (4) The authorization of each state grant, any application for which  
48 is not pending on July 1, 1991, for an amount in excess of one hundred  
49 thousand dollars, for the acquisition or development or improvement  
50 of real property or for the acquisition of public transportation  
51 equipment or facilities; and

52 (5) Any use of state bond funds, other than for school construction,  
53 unless the provisions of this subdivision are waived by the State Bond  
54 Commission.

55 Sec. 5. Section 8-23 of the general statutes is repealed and the  
56 following is substituted in lieu thereof (*Effective July 1, 2008*):

57 (a) (1) At least once every ten years, the commission shall prepare or  
58 amend and shall adopt a plan of conservation and development for the  
59 municipality. Following adoption, the commission shall regularly  
60 review and maintain such plan. The commission may adopt such  
61 geographical, functional or other amendments to the plan or parts of  
62 the plan, in accordance with the provisions of this section, as it deems  
63 necessary. The commission may, at any time, prepare, amend and  
64 adopt plans for the redevelopment and improvement of districts or  
65 neighborhoods which, in its judgment, contain special problems or  
66 opportunities or show a trend toward lower land values.

67 (2) If a plan is not amended decennially, the chief elected official of  
68 the municipality shall submit a letter to the Secretary of the Office of  
69 Policy and Management and the Commissioners of Transportation,  
70 Environmental Protection and Economic and Community  
71 Development that explains why such plan was not amended. A copy  
72 of such letter shall be included in each application by the municipality  
73 for discretionary funding submitted to any state agency.

74 (b) Until the plan is amended in accordance with this subsection, [a  
75 copy of such letter shall be included in each application by the  
76 municipality for funding for the conservation or development of real  
77 property submitted to said secretary or commissioners] the  
78 municipality shall be ineligible for discretionary state funding unless  
79 such prohibition is expressly waived by the secretary.

80 [(b)] (c) In the preparation of such plan, the commission may  
81 appoint one or more special committees to develop and make  
82 recommendations for the plan. The membership of any special  
83 committee may include: Residents of the municipality and  
84 representatives of local boards dealing with zoning, inland wetlands,  
85 conservation, recreation, education, public works, finance,  
86 redevelopment, general government and other municipal functions. In  
87 performing its duties under this section, the commission or any special  
88 committee may accept information from any source or solicit input  
89 from any organization or individual. The commission or any special  
90 committee may hold public informational meetings or organize other  
91 activities to inform residents about the process of preparing the plan.

92 [(c)] (d) In preparing such plan, the commission or any special  
93 committee shall consider the following: (1) The community  
94 development action plan of the municipality, if any, (2) the need for  
95 affordable housing, (3) the need for protection of existing and potential  
96 public surface and ground drinking water supplies, (4) the use of  
97 cluster development and other development patterns to the extent  
98 consistent with soil types, terrain and infrastructure capacity within  
99 the municipality, (5) the state plan of conservation and development  
100 adopted pursuant to chapter 297, (6) the regional plan of development  
101 adopted pursuant to section 8-35a, (7) physical, social, economic and  
102 governmental conditions and trends, (8) the needs of the municipality  
103 including, but not limited to, human resources, education, health,  
104 housing, recreation, social services, public utilities, public protection,  
105 transportation and circulation and cultural and interpersonal  
106 communications, (9) the objectives of energy-efficient patterns of

107 development, the use of solar and other renewable forms of energy  
108 and energy conservation, and (10) protection and preservation of  
109 agriculture.

110 [(d)] (e) (1) Such plan of conservation and development shall (A) be  
111 a statement of policies, goals and standards for the physical and  
112 economic development of the municipality, (B) provide for a system of  
113 principal thoroughfares, parkways, bridges, streets, sidewalks,  
114 multipurpose trails and other public ways as appropriate, (C) be  
115 designed to promote, with the greatest efficiency and economy, the  
116 coordinated development of the municipality and the general welfare  
117 and prosperity of its people and identify areas where it is feasible and  
118 prudent (i) to have compact, transit accessible, pedestrian-oriented  
119 mixed use development patterns and land reuse, and (ii) to promote  
120 such development patterns and land reuse, (D) recommend the most  
121 desirable use of land within the municipality for residential,  
122 recreational, commercial, industrial, conservation and other purposes  
123 and include a map showing such proposed land uses, (E) recommend  
124 the most desirable density of population in the several parts of the  
125 municipality, (F) note any inconsistencies with the following growth  
126 management principles: (i) Redevelopment and revitalization of  
127 commercial centers and areas of mixed land uses with existing or  
128 planned physical infrastructure; (ii) expansion of housing  
129 opportunities and design choices to accommodate a variety of  
130 household types and needs; (iii) concentration of development around  
131 transportation nodes and along major transportation corridors to  
132 support the viability of transportation options and land reuse; (iv)  
133 conservation and restoration of the natural environment, cultural and  
134 historical resources and existing farmlands; (v) protection of  
135 environmental assets critical to public health and safety; and (vi)  
136 integration of planning across all levels of government to address  
137 issues on a local, regional and state-wide basis, (G) make provision for  
138 the development of housing opportunities, including opportunities for  
139 multifamily dwellings, consistent with soil types, terrain and  
140 infrastructure capacity, for all residents of the municipality and the

141 planning region in which the municipality is located, as designated by  
142 the Secretary of the Office of Policy and Management under section  
143 16a-4a, (H) promote housing choice and economic diversity in  
144 housing, including housing for both low and moderate income  
145 households, and encourage the development of housing which will  
146 meet the housing needs identified in the housing plan prepared  
147 pursuant to section 8-37t and in the housing component and the other  
148 components of the state plan of conservation and development  
149 prepared pursuant to chapter 297. In preparing such plan the  
150 commission shall consider focusing development and revitalization in  
151 areas with existing or planned physical infrastructure.

152 (2) For any municipality that is contiguous to Long Island Sound,  
153 such plan shall be (A) consistent with the municipal coastal program  
154 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with  
155 reasonable consideration for restoration and protection of the  
156 ecosystem and habitat of Long Island Sound, and (C) designed to  
157 reduce hypoxia, pathogens, toxic contaminants and floatable debris in  
158 Long Island Sound.

159 [(e)] (f) Such plan may show the commission's and any special  
160 committee's recommendation for (1) conservation and preservation of  
161 traprock and other ridgelines, (2) airports, parks, playgrounds and  
162 other public grounds, (3) the general location, relocation and  
163 improvement of schools and other public buildings, (4) the general  
164 location and extent of public utilities and terminals, whether publicly  
165 or privately owned, for water, sewerage, light, power, transit and other  
166 purposes, (5) the extent and location of public housing projects, (6)  
167 programs for the implementation of the plan, including (A) a schedule,  
168 (B) a budget for public capital projects, (C) a program for enactment  
169 and enforcement of zoning and subdivision controls, building and  
170 housing codes and safety regulations, (D) plans for implementation of  
171 affordable housing, (E) plans for open space acquisition and  
172 greenways protection and development, and (F) plans for corridor  
173 management areas along limited access highways or rail lines,

174 designated under section 16a-27, (7) proposed priority funding areas,  
175 and (8) any other recommendations as will, in the commission's or any  
176 special committee's judgment, be beneficial to the municipality. The  
177 plan may include any necessary and related maps, explanatory  
178 material, photographs, charts or other pertinent data and information  
179 relative to the past, present and future trends of the municipality.

180 [(f)] (g) (1) A plan of conservation and development or any part  
181 thereof or amendment thereto prepared by the commission or any  
182 special committee shall be reviewed, and may be amended, by the  
183 commission prior to scheduling at least one public hearing on  
184 adoption.

185 (2) At least sixty-five days prior to the public hearing on adoption,  
186 the commission shall submit a copy of such plan or part thereof or  
187 amendment thereto for review and comment to the legislative body or,  
188 in the case of a municipality for which the legislative body of the  
189 municipality is a town meeting or representative town meeting, to the  
190 board of selectmen. The legislative body or board of selectmen, as the  
191 case may be, may hold one or more public hearings on the plan and  
192 shall endorse or reject such entire plan or part thereof or amendment  
193 and may submit comments and recommended changes to the  
194 commission. The commission may render a decision on the plan  
195 without the report of such body or board.

196 (3) At least thirty-five days prior to the public hearing on adoption,  
197 the commission shall post the plan on the Internet web site of the  
198 municipality, if any.

199 (4) At least sixty-five days prior to the public hearing on adoption,  
200 the commission shall submit a copy of such plan or part thereof or  
201 amendment thereto to the regional planning agency for review and  
202 comment. The regional planning agency shall submit an advisory  
203 report along with its comments to the commission at or before the  
204 hearing. Such comments shall include a finding on the consistency of  
205 the plan with (A) the regional plan of development, adopted under

206 section 8-35a, (B) the state plan of conservation and development,  
207 adopted pursuant to chapter 297, and (C) the plans of conservation  
208 and development of other municipalities in the area of operation of the  
209 regional planning agency. The commission may render a decision on  
210 the plan without the report of the regional planning agency.

211 (5) At least thirty-five days prior to the public hearing on adoption,  
212 the commission shall file in the office of the town clerk a copy of such  
213 plan or part thereof or amendment thereto but, in the case of a district  
214 commission, such commission shall file such information in the offices  
215 of both the district clerk and the town clerk.

216 (6) The commission shall cause to be published in a newspaper  
217 having a general circulation in the municipality, at least twice at  
218 intervals of not less than two days, the first not more than fifteen days,  
219 or less than ten days, and the last not less than two days prior to the  
220 date of each such hearing, notice of the time and place of any such  
221 public hearing. Such notice shall make reference to the filing of such  
222 draft plan in the office of the town clerk, or both the district clerk and  
223 the town clerk, as the case may be.

224 ~~[(g)]~~ (h) (1) After completion of the public hearing, the commission  
225 may revise the plan and may adopt the plan or any part thereof or  
226 amendment thereto by a single resolution or may, by successive  
227 resolutions, adopt parts of the plan and amendments thereto.

228 (2) Any plan, section of a plan or recommendation in the plan that is  
229 not endorsed in the report of the legislative body or, in the case of a  
230 municipality for which the legislative body is a town meeting or  
231 representative town meeting, by the board of selectmen, of the  
232 municipality may only be adopted by the commission by a vote of not  
233 less than two-thirds of all the members of the commission.

234 (3) Upon adoption by the commission, any plan or part thereof or  
235 amendment thereto shall become effective at a time established by the  
236 commission, provided notice thereof shall be published in a



237 newspaper having a general circulation in the municipality prior to  
238 such effective date.

239 (4) Not more than thirty days after adoption, any plan or part  
240 thereof or amendment thereto shall be posted on the Internet web site  
241 of the municipality, if any, and shall be filed in the office of the town  
242 clerk, except that, if it is a district plan or amendment, it shall be filed  
243 in the offices of both the district and town clerks.

244 (5) Not more than sixty days after adoption of the plan, the  
245 commission shall submit a copy of the plan to the Secretary of the  
246 Office of Policy and Management and shall include with such copy a  
247 description of any inconsistency between the plan adopted by the  
248 commission and the state plan of conservation and development and  
249 the reasons therefor.

250 [(h)] (i) Any owner or tenant, or authorized agent of such owner or  
251 tenant, of real property or buildings thereon located in the  
252 municipality may submit a proposal to the commission requesting a  
253 change to the plan of conservation and development. Such proposal  
254 shall be submitted in writing and on a form prescribed by the  
255 commission. Notwithstanding the provisions of subsection (a) of  
256 section 8-7d, the commission shall review and may approve, modify  
257 and approve or reject the proposal in accordance with the provisions of  
258 subsection [(f)] (g) of this section.

259 Sec. 6. (NEW) (*Effective October 1, 2007*) (a) As used in this section:

260 (1) "Host community" means the municipality or municipalities in  
261 which a project having a significant regional impact will be located;

262 (2) "Significant regional impact" means a significant and measurable  
263 impact on the environment, economy, housing, public facilities or  
264 transportation system in one or more municipalities other than the  
265 host community.

266 (b) On and after the effective date of this section, each public agency

267 considering undertaking a project which has, or is likely to have, a  
268 significant regional impact, as defined in subsection (a) of this section,  
269 shall, at least sixty days before approving such project, submit such  
270 project to each regional planning organization in the area of the host  
271 community and any municipality adjoining such host community. The  
272 regional planning agency shall submit its comments, if any, to the  
273 public agency not more than thirty days after receiving such  
274 submission. The report of said regional planning organization shall be  
275 advisory only.

276 Sec. 7. Section 8-3b of the general statutes is repealed and the  
277 following is substituted in lieu thereof (*Effective October 1, 2007*):

278 When the zoning commission of any municipality proposes to  
279 establish or change a zone or any regulation affecting the use of a zone  
280 and (1) any portion of which is within five hundred feet of the  
281 boundary of another municipality located within the area of operation  
282 of a regional planning agency, or (2) the proposed zone change  
283 involves more than five acres of development and would increase the  
284 permitted density by more than fifty per cent, the zoning commission  
285 shall give written notice of its proposal to the regional planning agency  
286 or agencies of the region in which it and the other municipality are  
287 located. Such notice shall be made by certified mail, return receipt  
288 requested not later than thirty days before the public hearing to be  
289 held in relation thereto. The regional planning agency shall study such  
290 proposal and shall report its findings and recommendations thereon to  
291 the zoning commission at or before the hearing, and such report shall  
292 be made a part of the record of such hearing. The report of any  
293 regional planning agency of any region that is contiguous to Long  
294 Island Sound shall include findings and recommendations on the  
295 environmental impact of the proposal on the ecosystem and habitat of  
296 Long Island Sound. If such report of the regional planning agency is  
297 not submitted at or before the hearing, it shall be presumed that such  
298 agency does not disapprove of the proposal. A regional planning  
299 agency receiving such a notice may transmit such notice to the

300 Secretary of the Office of Policy and Management or his designee for  
 301 comment. The planning agency may designate its executive committee  
 302 to act for it under this section or may establish a subcommittee for the  
 303 purpose. The report of said planning agency shall be purely advisory.

304       Sec. 8. (NEW) (*Effective October 1, 2007*) (a) As used in this section,  
 305 "proposed development that has a significant regional impact" means a  
 306 proposed development that: (1) Involves development of more than  
 307 fifty thousand square feet; (2) involves development of more than one  
 308 hundred housing units; or (3) requires more than two hundred parking  
 309 spaces.

310       (b) When the zoning commission, planning commission or planning  
 311 and zoning commission of any municipality receives an application for  
 312 a proposed development that has a significant regional impact, such  
 313 commission shall give written notice of the proposal to the regional  
 314 planning agency of the region in which the municipality is located.  
 315 Such notice shall be made by certified mail, return receipt requested  
 316 not later than thirty days before the public hearing to be held in  
 317 relation thereto. The regional planning agency shall study the proposal  
 318 and report its findings and recommendations thereon to the  
 319 commission at or before the hearing, and such report shall be made a  
 320 part of the record of such hearing. The report of said planning agency  
 321 shall be purely advisory. If such report of the regional planning agency  
 322 is not submitted at or before the hearing, it shall be presumed that such  
 323 agency does not disapprove of the proposal. The planning agency may  
 324 designate its executive committee to act for it under this section or may  
 325 establish a subcommittee for the purpose.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>July 1, 2008</i>	4-66c
Sec. 3	<i>July 1, 2008</i>	4-66g
Sec. 4	<i>July 1, 2008</i>	16a-31(a)

Sec. 5	<i>July 1, 2008</i>	8-23
Sec. 6	<i>October 1, 2007</i>	New section
Sec. 7	<i>October 1, 2007</i>	8-3b
Sec. 8	<i>October 1, 2007</i>	New section

**Statement of Purpose:**

To implement the Governor's budget recommendations.

*[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.]*