



General Assembly

Substitute Bill No. 39

February Session, 2008

* SB00039GAE__040808__ *

AN ACT CONCERNING RESPONSIBLE GROWTH.

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

1 Section 1. (NEW) (*Effective July 1, 2008*) As used in sections 2 and 3
2 of this act:

3 (1) "Development of regional significance" means a construction
4 project that is planned to create, or a renovation or expansion project
5 that is planned to result in, more than (A) two hundred fifty thousand
6 square feet of indoor commercial or industrial space, (B) two hundred
7 fifty residential housing units that are less than four stories, or (C) five
8 hundred parking spaces; and

9 (2) "Responsible growth principles" means the use of land and
10 resources to enhance the long-term quality of life for citizens of the
11 state and future generations by (A) protecting open space, farmlands
12 and historic sites, (B) cleaning up and reusing brownfields, (C)
13 encouraging growth and real estate development to areas served by
14 existing infrastructure, (D) promoting development of housing,
15 including affordable housing, in proximity to existing highways and
16 sewers, (E) revitalizing cities, (F) preserving the unique charm of the
17 state, (G) developing pedestrian or other nonmotorized transportation,
18 and (H) building livable, economically strong communities while
19 protecting our natural resources.

20 Sec. 2. (NEW) (*Effective July 1, 2008*) (a) There shall be a Responsible
21 Growth Cabinet which shall consist of the Secretary of the Office of
22 Policy and Management, the Commissioners of Economic and
23 Community Development, Environmental Protection, Agriculture,
24 Transportation and Public Health, or their designees, and the executive
25 directors of the Connecticut Housing Finance Authority and the
26 Connecticut Development Authority, or their designees. The Secretary
27 of the Office of Policy and Management, or the designee of the
28 secretary, shall be the chairperson of the cabinet.

29 (b) The cabinet shall advise the Governor on policies and initiatives
30 to implement responsible growth principles and review developments
31 of regional significance in accordance with the provisions of section 3
32 of this act.

33 Sec. 3. (NEW) (*Effective January 1, 2009*) (a) Before issuing a state
34 permit or providing state financial assistance of more than five
35 hundred thousand dollars in connection with a development of
36 regional significance, a state agency shall refer the development for
37 review to the Responsible Growth Cabinet, established under section 2
38 of this act. The cabinet may invite the developer to the next meeting of
39 the cabinet to make a presentation on the development and answer
40 questions asked by the members of the cabinet. Such meeting shall be
41 open to the public and notice of such meeting shall be in accordance
42 with section 1-225 of the 2008 supplement to the general statutes. Not
43 more than thirty days after the meeting, the cabinet shall provide
44 written comments to the developer on the consistency of the
45 development with the principles of responsible growth. Such
46 comments may include (1) specific recommendations to strengthen the
47 consistency of the development with responsible growth principles,
48 and (2) a recommendation whether it would be in the public interest
49 for state agencies to coordinate the review and issuance of permits for
50 the development and, if it is in the public interest, whether such
51 development should receive state financial assistance. The comments
52 shall also be sent to the regional council of elected officials, the
53 regional council of governments or the regional planning agency of the

54 planning region impacted by the development, the Departments of
55 Education and Higher Education, the Connecticut Commission on
56 Culture and Tourism, the Office of Workforce Competitiveness and
57 any other state agency that the cabinet finds may be impacted by, in a
58 position to directly assist, or required to approve some aspect of the
59 development.

60 (b) The meeting, process and agenda and comments provided in
61 this section shall not be construed to constitute a decision or approval
62 of a state agency. Any action of the cabinet under this section may not
63 be appealed and only parties described in this section may intervene in
64 any meeting held under this section.

65 (c) The minutes of any meeting held under subsection (a) of this
66 section shall be sent to the regional council of elected officials, the
67 regional council of governments or the regional planning agency of the
68 planning region impacted by the development, the Departments of
69 Education and Higher Education, the Connecticut Commission on
70 Culture and Tourism, the Office of Workforce Competitiveness and
71 any other state agency that the cabinet finds may be impacted by, in a
72 position to directly assist, or required to approve some aspect of the
73 development.

74 Sec. 4. Subsection (a) of section 8-2 of the general statutes is repealed
75 and the following is substituted in lieu thereof (*Effective July 1, 2008,*
76 *and applicable to regulations adopted on or after July 1, 2008*):

77 (a) The zoning commission of each city, town or borough is
78 authorized to regulate, within the limits of such municipality, the
79 height, number of stories and size of buildings and other structures;
80 the percentage of the area of the lot that may be occupied; the size of
81 yards, courts and other open spaces; the density of population and the
82 location and use of buildings, structures and land for trade, industry,
83 residence or other purposes, including water-dependent uses as
84 defined in section 22a-93, and the height, size and location of
85 advertising signs and billboards. Such bulk regulations may allow for

86 cluster development as defined in section 8-18. Such zoning
87 commission may divide the municipality into districts of such number,
88 shape and area as may be best suited to carry out the purposes of this
89 chapter; and, within such districts, it may regulate the erection,
90 construction, reconstruction, alteration or use of buildings or
91 structures and the use of land. All such regulations shall be uniform
92 for each class or kind of buildings, structures or use of land throughout
93 each district, but the regulations in one district may differ from those
94 in another district, and may provide that certain classes or kinds of
95 buildings, structures or uses of land are permitted only after obtaining
96 a special permit or special exception from a zoning commission,
97 planning commission, combined planning and zoning commission or
98 zoning board of appeals, whichever commission or board the
99 regulations may, notwithstanding any special act to the contrary,
100 designate, subject to standards set forth in the regulations and to
101 conditions necessary to protect the public health, safety, convenience
102 and property values. Such regulations shall be made in accordance
103 with a comprehensive plan and in adopting such regulations the
104 commission shall consider the plan of conservation and development
105 prepared under section 8-23 of the 2008 supplement to the general
106 statutes. No regulation or boundaries of a zoning district that are
107 inconsistent with the plan shall be effective unless the legislative body
108 of the municipality approves such regulation. The determination of
109 inconsistency with the plan shall be made by the planning commission
110 or combined planning and zoning commission and may not be
111 appealed. Such regulations shall be designed to lessen congestion in
112 the streets; to secure safety from fire, panic, flood and other dangers; to
113 promote health and the general welfare; to provide adequate light and
114 air; to prevent the overcrowding of land [; to avoid undue
115 concentration of population] and to facilitate the adequate provision
116 for transportation, water, sewerage, schools, parks and other public
117 requirements. Such regulations shall be made with reasonable
118 consideration as to the character of the district and its peculiar
119 suitability for particular uses and with a view to conserving the value
120 of buildings and encouraging the most appropriate use of land

121 throughout such municipality. Such regulations may, to the extent
122 consistent with soil types, terrain, infrastructure capacity and the plan
123 of conservation and development for the community, provide for
124 cluster development, as defined in section 8-18, in residential zones.
125 Such regulations shall also encourage the development of housing
126 opportunities, including opportunities for multifamily dwellings,
127 consistent with soil types, terrain and infrastructure capacity, for all
128 residents of the municipality and the planning region in which the
129 municipality is located, as designated by the Secretary of the Office of
130 Policy and Management under section 16a-4a. Such regulations shall
131 also promote housing choice and economic diversity in housing,
132 including housing for both low and moderate income households, and
133 shall encourage the development of housing which will meet the
134 housing needs identified in the housing plan prepared pursuant to
135 section 8-37t and in the housing component and the other components
136 of the state plan of conservation and development prepared pursuant
137 to section 16a-26. Zoning regulations shall be made with reasonable
138 consideration for their impact on agriculture. Zoning regulations may
139 be made with reasonable consideration for the protection of historic
140 factors and shall be made with reasonable consideration for the
141 protection of existing and potential public surface and ground
142 drinking water supplies. On and after July 1, 1985, the regulations shall
143 provide that proper provision be made for soil erosion and sediment
144 control pursuant to section 22a-329. Such regulations may also
145 encourage energy-efficient patterns of development, the use of solar
146 and other renewable forms of energy, and energy conservation. The
147 regulations may also provide for incentives for developers who use
148 passive solar energy techniques, as defined in subsection (b) of section
149 8-25 [. The incentives may] of the 2008 supplement to the general
150 statutes, provided if the commission adopts such regulations, the
151 regulations shall include, but not be limited to, cluster development,
152 higher density development and performance standards for roads,
153 sidewalks and underground facilities in the subdivision. Such
154 regulations may provide for a municipal system for the creation of
155 development rights and the permanent transfer of such development

156 rights, which may include a system for the variance of density limits in
157 connection with any such transfer. Such regulations may also provide
158 for notice requirements in addition to those required by this chapter.
159 Such regulations may provide for conditions on operations to collect
160 spring water or well water, as defined in section 21a-150, including the
161 time, place and manner of such operations. No such regulations shall
162 prohibit the operation of any family day care home or group day care
163 home in a residential zone. Such regulations shall not impose
164 conditions and requirements on manufactured homes having as their
165 narrowest dimension twenty-two feet or more and built in accordance
166 with federal manufactured home construction and safety standards or
167 on lots containing such manufactured homes which are substantially
168 different from conditions and requirements imposed on single-family
169 dwellings and lots containing single-family dwellings. Such
170 regulations shall not impose conditions and requirements on
171 developments to be occupied by manufactured homes having as their
172 narrowest dimension twenty-two feet or more and built in accordance
173 with federal manufactured home construction and safety standards
174 which are substantially different from conditions and requirements
175 imposed on multifamily dwellings, lots containing multifamily
176 dwellings, cluster developments or planned unit developments. Such
177 regulations shall not prohibit the continuance of any nonconforming
178 use, building or structure existing at the time of the adoption of such
179 regulations. Such regulations shall not provide for the termination of
180 any nonconforming use solely as a result of nonuse for a specified
181 period of time without regard to the intent of the property owner to
182 maintain that use. Any city, town or borough which adopts the
183 provisions of this chapter may, by vote of its legislative body, exempt
184 municipal property from the regulations prescribed by the zoning
185 commission of such city, town or borough; but unless it is so voted
186 municipal property shall be subject to such regulations.

187 Sec. 5. Subsection (a) of section 8-25 of the 2008 supplement to the
188 general statutes is repealed and the following is substituted in lieu
189 thereof (*Effective July 1, 2008, and applicable to regulations adopted on or*

190 after July 1, 2008):

191 (a) No subdivision of land shall be made until a plan for such
192 subdivision has been approved by the commission. Any person, firm
193 or corporation making any subdivision of land without the approval of
194 the commission shall be fined not more than five hundred dollars for
195 each lot sold or offered for sale or so subdivided. Any plan for
196 subdivision shall, upon approval, or when taken as approved by
197 reason of the failure of the commission to act, be filed or recorded by
198 the applicant in the office of the town clerk not later than ninety days
199 after the expiration of the appeal period under section 8-8 of the 2008
200 supplement to the general statutes, or in the case of an appeal, not later
201 than ninety days after the termination of such appeal by dismissal,
202 withdrawal or judgment in favor of the applicant but, if it is a plan for
203 subdivision wholly or partially within a district, it shall be filed in the
204 offices of both the district clerk and the town clerk, and any plan not so
205 filed or recorded within the prescribed time shall become null and
206 void, except that the commission may extend the time for such filing
207 for two additional periods of ninety days and the plan shall remain
208 valid until the expiration of such extended time. All such plans shall be
209 delivered to the applicant for filing or recording not more than thirty
210 days after the time for taking an appeal from the action of the
211 commission has elapsed or not more than thirty days after the date
212 that plans modified in accordance with the commission's approval and
213 that comply with section 7-31 are delivered to the commission,
214 whichever is later, and in the event of an appeal, not more than thirty
215 days after the termination of such appeal by dismissal, withdrawal or
216 judgment in favor of the applicant or not more than thirty days after
217 the date that plans modified in accordance with the commission's
218 approval and that comply with section 7-31 are delivered to the
219 commission, whichever is later. No such plan shall be recorded or filed
220 by the town clerk or district clerk or other officer authorized to record
221 or file plans until its approval has been endorsed thereon by the
222 chairman or secretary of the commission, and the filing or recording of
223 a subdivision plan without such approval shall be void. Before

224 exercising the powers granted in this section, the commission shall
225 adopt regulations covering the subdivision of land. No such
226 regulations shall become effective until after a public hearing held in
227 accordance with the provisions of section 8-7d of the 2008 supplement
228 to the general statutes. Such regulations shall provide that the land to
229 be subdivided shall be of such character that it can be used for
230 building purposes without danger to health or the public safety, that
231 proper provision shall be made for water, sewerage and drainage,
232 including the upgrading of any downstream ditch, culvert or other
233 drainage structure which, through the introduction of additional
234 drainage due to such subdivision, becomes undersized and creates the
235 potential for flooding on a state highway, and, in areas contiguous to
236 brooks, rivers or other bodies of water subject to flooding, including
237 tidal flooding, that proper provision shall be made for protective flood
238 control measures and that the proposed streets are in harmony with
239 existing or proposed principal thoroughfares shown in the plan of
240 conservation and development as described in section 8-23 of the 2008
241 supplement to the general statutes, especially in regard to safe
242 intersections with such thoroughfares, and so arranged and of such
243 width, as to provide an adequate and convenient system for present
244 and prospective traffic needs. No regulation that is inconsistent with
245 such plan shall be effective unless the legislative body of the
246 municipality approves such regulation. The determination of
247 inconsistency with the plan shall be made by the commission and may
248 not be appealed. Such regulations shall also provide that the
249 commission may require the provision of open spaces, parks and
250 playgrounds when, and in places, deemed proper by the planning
251 commission, which open spaces, parks and playgrounds shall be
252 shown on the subdivision plan. Such regulations may, with the
253 approval of the commission, authorize the applicant to pay a fee to the
254 municipality or pay a fee to the municipality and transfer land to the
255 municipality in lieu of any requirement to provide open spaces. Such
256 payment or combination of payment and the fair market value of land
257 transferred shall be equal to not more than ten per cent of the fair
258 market value of the land to be subdivided prior to the approval of the

259 subdivision. The fair market value shall be determined by an appraiser
260 jointly selected by the commission and the applicant. A fraction of
261 such payment the numerator of which is one and the denominator of
262 which is the number of approved parcels in the subdivision shall be
263 made at the time of the sale of each approved parcel of land in the
264 subdivision and placed in a fund in accordance with the provisions of
265 section 8-25b. The open space requirements of this section shall not
266 apply if the transfer of all land in a subdivision of less than five parcels
267 is to a parent, child, brother, sister, grandparent, grandchild, aunt,
268 uncle or first cousin for no consideration, or if the subdivision is to
269 contain affordable housing, as defined in section 8-39a, equal to twenty
270 per cent or more of the total housing to be constructed in such
271 subdivision. Such regulations, on and after July 1, 1985, shall provide
272 that proper provision be made for soil erosion and sediment control
273 pursuant to section 22a-329. Such regulations shall not impose
274 conditions and requirements on manufactured homes having as their
275 narrowest dimension twenty-two feet or more and built in accordance
276 with federal manufactured home construction and safety standards or
277 on lots containing such manufactured homes which are substantially
278 different from conditions and requirements imposed on single-family
279 dwellings and lots containing single-family dwellings. Such
280 regulations shall not impose conditions and requirements on
281 developments to be occupied by manufactured homes having as their
282 narrowest dimension twenty-two feet or more and built in accordance
283 with federal manufactured home construction and safety standards
284 which are substantially different from conditions and requirements
285 imposed on multifamily dwellings, lots containing multifamily
286 dwellings, cluster developments or planned unit developments. The
287 commission may also prescribe the extent to which and the manner in
288 which streets shall be graded and improved and public utilities and
289 services provided and, in lieu of the completion of such work and
290 installations previous to the final approval of a plan, the commission
291 may accept a bond in an amount and with surety and conditions
292 satisfactory to it securing to the municipality the actual construction,
293 maintenance and installation of such improvements and utilities

294 within a period specified in the bond. Such regulations may provide,
295 in lieu of the completion of the work and installations above referred
296 to, previous to the final approval of a plan, for an assessment or other
297 method whereby the municipality is put in an assured position to do
298 such work and make such installations at the expense of the owners of
299 the property within the subdivision. Such regulations may provide
300 that in lieu of either the completion of the work or the furnishing of a
301 bond as provided in this section, the commission may authorize the
302 filing of a plan with a conditional approval endorsed thereon. Such
303 approval shall be conditioned on (1) the actual construction,
304 maintenance and installation of any improvements or utilities
305 prescribed by the commission, or (2) the provision of a bond as
306 provided in this section. Upon the occurrence of either of such events,
307 the commission shall cause a final approval to be endorsed thereon in
308 the manner provided by this section. Any such conditional approval
309 shall lapse five years from the date it is granted, provided the
310 applicant may apply for and the commission may, in its discretion,
311 grant a renewal of such conditional approval for an additional period
312 of five years at the end of any five-year period, except that the
313 commission may, by regulation, provide for a shorter period of
314 conditional approval or renewal of such approval. Any person who
315 enters into a contract for the purchase of any lot subdivided pursuant
316 to a conditional approval may rescind such contract by delivering a
317 written notice of rescission to the seller not later than three days after
318 receipt of written notice of final approval if such final approval has
319 additional amendments or any conditions that were not included in
320 the conditional approval and are unacceptable to the buyer. Any
321 person, firm or corporation who, prior to such final approval, transfers
322 title to any lot subdivided pursuant to a conditional approval shall be
323 fined not more than one thousand dollars for each lot transferred.
324 Nothing in this subsection shall be construed to authorize the
325 marketing of any lot prior to the granting of conditional approval or
326 renewal of such conditional approval.

327 Sec. 6. Subsection (a) of section 22a-42a of the general statutes is

328 repealed and the following is substituted in lieu thereof (*Effective July*
 329 *1, 2008, and applicable to regulations adopted on or after July 1, 2008*):

330 (a) The inland wetlands agencies authorized in section 22a-42 shall
 331 through regulation provide for (1) the manner in which the boundaries
 332 of inland wetland and watercourse areas in their respective
 333 municipalities shall be established and amended or changed, (2) the
 334 form for an application to conduct regulated activities, (3) notice and
 335 publication requirements, (4) criteria and procedures for the review of
 336 applications, and (5) administration and enforcement. No regulation
 337 that is inconsistent with the municipal plan of conservation and
 338 development, adopted under section 8-23 of the 2008 supplement to
 339 the general statutes, shall be effective unless the legislative body of the
 340 municipality approves such regulation. The determination of
 341 inconsistency with the plan shall be made by the planning commission
 342 or combined planning and zoning commission of the municipality and
 343 may not be appealed. The discretionary approval of a regulated
 344 activity for a particular development or improvement to real property
 345 by an inland wetlands agency shall not be construed to be a change to
 346 a regulation.

347 Sec. 7. (NEW) (*Effective July 1, 2008*) Each state agency that provides
 348 state financial assistance to any development of real property under
 349 any provision of the general statutes or any public or special act, shall,
 350 to the extent authorized, allocate from such state aid an amount
 351 sufficient for pedestrian or other nonmotorized transportation
 352 improvements in connection with such property. The Secretary of the
 353 Office of Policy and Management may waive the application of this
 354 section upon a finding that the nature, scope or location of the
 355 development is not appropriate for such improvements.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	New section
Sec. 2	<i>July 1, 2008</i>	New section
Sec. 3	<i>January 1, 2009</i>	New section

Sec. 4	<i>July 1, 2008, and applicable to regulations adopted on or after July 1, 2008</i>	8-2(a)
Sec. 5	<i>July 1, 2008, and applicable to regulations adopted on or after July 1, 2008</i>	8-25(a)
Sec. 6	<i>July 1, 2008, and applicable to regulations adopted on or after July 1, 2008</i>	22a-42a(a)
Sec. 7	<i>July 1, 2008</i>	New section

PD *Joint Favorable Subst.*

GAE *Joint Favorable*