



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

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Is Our  
Business*

February 18, 2011

To: Senator Steve Cassano, Co-Chairman  
Representative Linda M. Gentile, Co-Chairman  
Members of the Planning and Development Committee

From: Bill Ethier, Chief Executive Officer

Re: Senate Bill 491, An Act Reducing the Number of Public Hearings on  
Subdivision and Site Plan Applications

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

**We strongly support SB 491 to eliminate, not all but unnecessary, certain public hearings for subdivision and site plan applications. SB 491 would help the effort to reform our local land use system and make Connecticut a more inviting place that promotes economic development and growth.**

**Connecticut's land use system has it backwards and for too many decades we have empowered the public with reacting at the wrong end of our system of reviewing economic development and housing proposals. Our system empowers and gives multiple opportunities to NIMBY's, NOPE's, CAVE's and BANANA's that destroy our collective ability to reasonably grow. Developers, builders, property owners, and the aspirations of their clients, are stifled at almost every turn to build our communities and provide the homes, retail and other amenities society needs. Connecticut must change if we are to have any hope of recovering with a robust economy and more jobs.**

**Connecticut has it backwards because we do not sufficiently engage people at the front end in creating our land use plans and regulations that control development, yet for developments that comply with the regulations and rules we encourage public venting and delays to slow or stop such projects. The creation of land use plans and the adoption of the regulations (zoning, subdivision, etc.) should have robust public involvement. Too often, however, local plans of conservation and development or zoning regulations are adopted in almost empty rooms, despite the requirement of public hearings; only the board members and a few local gadflies (and every town has them) are present. It takes a special grass roots effort or the notice of a particularly onerous or controversial plan or zoning regulation to generate an outpouring of people to provide input on the rules of development.**

*"Leading Our Members to Professional Excellence."*

**Serving the Residential Development & Construction Industry Through Advocacy, Education & Networking**

**Whenever a proposed development (i.e., subdivision or site plan) requires a pre-requisite zone or regulation change (i.e., which must be filed prior to or in conjunction with a subdivision or site plan application), a public hearing is required by statute on the zone or regulation change.** This is appropriate because it would be a change in the rules. And, when such a regulation change is related to a new development proposal, the mandatory public hearing on the zone or regulation change is usually well attended.

**Under our statutes, public hearings on subdivision and site plan applications themselves (which are distinct from zoning or regulatory change applications) are discretionary, and for good reason. The only matter to be decided by the local planning and zoning commission on a subdivision or site plan application is whether the application complies with regulations.** This is not the time to say, no, we want commercial here, not residential, or, no, we want 2 acre lots, not half acre lots. The time for a town or city to control development and what it wants its town to look like is the adoption of zoning and the regulations. Reviewing subdivision and site plan applications should be, and actually is considered by the law to be, an administrative act. **There is nothing for the public to legally comment on except whether the application complies with the regulations.** But, since that is the case, what's the point of having planning and zoning commissions? That administrative review task is their job. In fact, in some other states, that administrative review task is done by professional staff (see also SB 896).

**Yet, too many commissions send every subdivision and site plan application to a public hearing, exercising no discretion under the statute, and allow the public to comment (i.e., vent) on everything imaginable.** It is the rare commission chairman who will limit public comments to the administrative question of compliance with the regulation.

**So, SB 491 states only that whenever a public hearing is held on a zoning change application that is associated with a development proposal, no additional public hearing shall be held on the associated site plan application (sec. 8-3) or subdivision application (sec. 8-26).** Allowing this additional public hearing only gives the NIMBY's, NOPE's, CAVE's and BANANA's another opportunity to vent, another opportunity to delay and appeal, and another reason for investment capital to leave or avoid Connecticut.

**SB 491 should be an easy concept to support. Frankly, if you cannot support this bill, there is little hope for meaningful land use permitting reform in CT. Please support SB 491.**

Thank you for considering our comments on this legislation.