

# *Testimony in support of House Bill 5090*

Dear members of the Planning and Development Committee,

I'm here to support H.B. 5090, An Act Prohibiting Zoning Commissions from Requiring Special Permits or Special Exceptions for uses Made Nonconforming by New Zoning Regulations

My wife and I own Przekopski Sand and Gravel in the town of Colchester. My grandfather started this business in the 1930's, passed it down to my father in the 40's, who passed it down to us in the early 90's. We sold material to the surrounding towns and residences, including the Town of Colchester, for many decades. Eight (8) years ago the Town of Colchester decided to force us to comply with their new zoning regulations.

The Town originally established zoning regulations in 1959 but didn't include anything about excavating. We had a letter from 1970, signed by the first selectman acknowledging that this was a legal pre-existing business. In 1972 the town adopted regulations for excavating. By doing this our business now became, non-conforming.

The Town of Colchester purchased material from us to build new roads and more material went out for new home construction and to other people in the community for their various projects.

Our business complied with all federal regulations for safety and DEEP regulations for noise, dust, emissions and storm water release. The town told us that this wasn't good enough. They told us we needed to get a special permit to continue operating as we had done for almost 80 years. We then hired a land surveyor and an engineer to map out every little detail. We had noise and wind borne studies performed along with two traffic studies, soil studies, and a storm water management plan which DEEP gave us a clean bill of health. After all this, our application was still denied costing us in excess of \$25,000.00 and we had to shut down our family operation. This forced us to layoff our 6 employees, which in turn forced them into unemployment and without healthcare for them and their families.

So far, this 8 year legal battle has cost us more than \$130,000.00 in legal fees (and that amount is growing). We've lost a about \$8,000,000.00 plus in revenue, not counting \$500,000.00 the state didn't get for sales tax. We've lost countless hours of work, lost sleep and not to mention, the inability to continue running the family business.

Is this a way to treat anyone that has been in business for 3 generations, and meets all federal and state DEEP regulations? You should not have to be subject to special permits or exceptions imposed by new town zoning regulations if you have been operating before the regulations change. My point is... our business being shut down not only hurt my family but also hurt our former employees and hurt the state's revenue.

Towns should not be able to make grandfathered uses get special permits and comply with new zoning regulations to stay open. I ask you to pass this bill to prevent any other honest, law abiding citizens from having to mortgage their lives to try to stay in business when the statute says they are grandfathered.

Ladies and Gentlemen, Thank you for your time.

Leonard Przekopski, jr.