

TOWN OF NEW MILFORD



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Office of Patricia Murphy, Mayor

TESTIMONY TO THE PLANNING AND DEVELOPMENT COMMITTEE IN SUPPORT OF SB 203: AN ACT CONCERNING COMMUNITY RESIDENCES

From: Town of New Milford Mayor Patricia Murphy
Town of New Milford Land Use Supervisor / Zoning Enforcement Officer Laura Regan

Dated: March 3, 2015

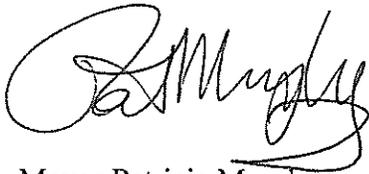
Honorable Committee Members:

We stand in support of Senate Bill 203 that will amend CGS §8-3e to require all community residences to comply with local zoning regulations. The statute as currently constituted confers virtual immunity from meaningful municipal planning and zoning controls and purportedly insulates private operators from many vital zoning regulations. The manner in which this statute is now written creates neighborhood and zoning district uncertainty and has a deleterious effect on the municipalities' comprehensive plans. This is so because the normal activity of boarding houses or institutional housing in a single family zone is directly and irrefutably contrary to single family activity. In fact, in New Milford, such uses are not permitted in single family zones; a legislative decision made by the Zoning Commission in line with the exclusive legislative authority conferred on it by CGS §8-2, with which the current §8-3e is inconsistent thus violates the precept of statutory harmony. Traffic and public safety issues abound in such a mixed zone, especially where children live. It is well established that the consistent and reliably customary usage of property as dictated by zoning districting is necessary to preserve orderly development, quality of life, safety of children, traffic control and promote investment in homes and neighborhoods in those district. That's why nearly all communities designate single family residence zones as being for just that rather than boarding houses, hotels, motels or lodging houses. Moreover, although the issue is yet to be litigated, the current §8-3e does not appear to require the purportedly exempt premises to be owned, operated, or even overseen by any governmental agency, such as other statutes do. This is an

invitation to abuse and leaves neighborhood homeowners to their own devices and expense in litigating nuisance lawsuits.

We therefore support 203 Senate Bill as a necessary and consistent land use statute.

Thank you,

A handwritten signature in black ink, appearing to read "Patricia Murphy". The signature is fluid and cursive, with a large initial "P" and "M".

Mayor Patricia Murphy

A handwritten signature in black ink, appearing to read "Laura Regan". The signature is fluid and cursive, with a large initial "L" and "R".

Laura Regan, Land Use Supervisor/Zoning Enforcement Officer