

# CONNECTICUT FEDERATION OF PLANNING & ZONING AGENCIES

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*PLANNING and DEVELOPMENT COMMITTEE*

March 15, 2021

Good Morning, my name is Steven E. Byrne. I am the Executive Director of the Connecticut Federation of Planning & Zoning Agencies and I am submitting testimony regarding **S.B. 1024** “An Act Concerning Zoning Authority, Certain Design Guidelines, Qualifications of Certain Land Use Officials and Certain Sewage Disposal Systems”.

## **S.B. 1024 An Act Concerning Zoning Authority, Certain Design Guidelines, Qualifications of Certain Land Use Officials and Certain Sewage Disposal Systems**

Thank you for the opportunity to comment and submit testimony on proposed **S.B. 1024** “An Act Concerning Zoning Authority, Certain Design Guidelines, Qualifications of Certain Land Use Officials and Certain Sewage Disposal Systems”. The Connecticut Federation of Planning & Zoning Officials is **opposed** to this bill. While the policy goals advanced by this bill are not opposed in their entirety, the manner of achieving these goals is as they would replace local control of land use with a regulatory scheme tantamount to centralized state control.

Below is the testimony I offered in regard to H.B. 6613 “An Act Concerning Accessory Apartments, Middle Housing and Multi-Family Housing” which is a companion bill to S.B. 1024. For this reason, I find this testimony relevant to S.B. 1024:

“As previously stated by Francis Pickering, Executive Director of the Western Connecticut Council of Governments, in his letter to this Committee dated February 18, 2021, “Legislative action is not needed. Most of the concepts under discussion can be implemented without the need for additional state legislation and, in fact, are increasingly being adopted by municipalities.” Increasingly, municipalities have taken advantage of Incentive Housing Zones [Ch 124b of the General Statutes] as well as Village Districts [Sec. 8-2j] of the General Statutes] to provide for just the sort of housing that is the subject of this legislation. [S.B. 1024] would replace this existing local control with a top-down state controlled regulatory scheme which ignores the fact that

Connecticut's towns and cities are extremely diverse. This transfer of zoning authority from local to state control is a move in the wrong direction. Zoning is inherently a local issue which requires local solutions.

“Increasing housing diversity and affordability is a goal everyone supports. It’s how we reach this goal where there is disagreement. The current legislative scheme already provides a way to get there – municipalities do not need further legislation like [S.B. 1024]. What is needed is funding. In this regard, the present bill is a step in the wrong direction as it would place limits on application fees. These fees enable smaller towns to pay for consultants that help them evaluate applications, without which planning and zoning officials would be forced to approve applications without being fully informed as to their impact on their community and whether the planned improvements are engineered properly, especially in regard to erosion and stormwater controls. Instead of limiting application fees, existing legislation should be amended to allow for impact fees. In addition, state funding should be made available under existing legislation, such as Sec. 8-365 of the General Statutes, to assist municipalities in financing moderate- and low-income housing. Concerns over increased infrastructure costs that result from increased housing development are real. A new development, whether it is a single-family subdivision or an apartment complex, can result in the need to expand sewage treatment plants, add additional first responders or build a new school. These unanticipated costs can impose a severe financial hardship on a smaller town and its residents. The proposed bill ignores these concerns.

“S.B. 1024 is simply not needed and is misguided. It is not needed because the tools are already in place for municipalities to provide for housing choice. Increasingly, these tools are being used to provide the very housing types this pending bill would impose under a state regulatory scheme. It is misguided in that it would impose additional state regulation which is not needed while ignoring what is needed – funding to municipalities so that moderate- and low-income housing can be created. “

I have also offered testimony in opposition to S.B. 1026 “An Act Concerning Training for Certain Planning and Zoning Officials”. Below is the testimony I offered in regard to S.B. 1026 whose provisions are included in S.B. 1024. For this reason, I find this testimony relevant to S.B. 1024:

“The Connecticut Federation of Planning & Zoning Agencies was created out of a need and an idea. In 1948, a group of forward-looking individuals recognized a need to collect the varied planning and zoning experiences of Connecticut municipalities. They came up with the idea of forming an organization that would serve as the focal point for collecting and disseminating information to member agencies. Seventy-three years later, the Federation continues in this role. Our membership consists of planning commissions, zoning commissions, planning and zoning commissions and zoning boards of appeal located in 102 cities and towns throughout our state. Members of the Federation receive a quarterly newsletter which informs them of recent court decisions and legislation which impact them as planning and zoning officials. In addition, books and pamphlets on land use are available to them as well as training sessions.



“I make the statement that this proposed bill is a solution in search of a problem based upon my considerable experience working with municipal land use agencies. Over the last 30 years, in addition to being a practicing attorney with a focus on land use law, I have been personally involved in the preparation of the Federation’s books and pamphlets as well as its education and training activities. For many of my training sessions, I have invited officials from the Connecticut Siting Council, the Freedom of Information Commission, the Connecticut Department of Consumer Protection and the U.S. Department of Justice to inform our members of the effect of various state and federal laws and regulations have on their role as planning and zoning officials. I have similarly invited members of the Connecticut Farm Bureau, the Connecticut Lodging Association and other such groups in a similar capacity. In short, training is already widespread.

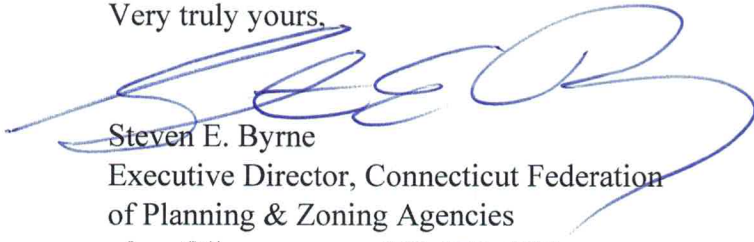
“The Federation also opposes this bill because I believe it is based upon a false premise – that municipal land use agencies are composed of individuals who are ignorant of the law and their appropriate role as planning and zoning officials. This false premise is based upon the tainted opinions of developers and their attorneys when applications they have submitted are denied. The truth is that most if not all planning and zoning officials are long serving members of their agency and have become well informed of their duties. This has been accomplished in part through working with their attorney, planner and other professional consultants on applications that appear before their agency. This bill ignores this reality.

“Lastly, the Federation opposes this bill because it effectively excludes many individuals and organizations from providing ‘certified’ training who presently do just that. For example, training provided by municipal staff and attorneys would not be counted towards the required hours as they are not a professional land use association or named in the bill. Nor would training provided by state agencies, such as the Freedom of Information Commission. This obvious omission of competent training resources from this bill causes the Federation to question the bills true intent.

“The State of Connecticut would better serve its citizens by providing funding to its municipalities so that they could afford to include in their budgets the funds to have adequate staffing for their land use commissions and also to pay for professional consultants, including attorneys that specialize in land use law, to assist them in their duties.”

Thank you for allowing me to submit testimony on behalf of the Connecticut Federation of Planning & Zoning Agencies. If you have any further questions, please feel free to contact me at any time.

Very truly yours,



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