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Planning and Development Committee
Room 2100, Legislative Office Building
Hartford, Connecticut 06106

Opposition to SB-1024 - An Act Concerning Zoning Authority, Certain Design Guidelines, Qualifications of Certain Land Use Officials

Dear Senators and Representatives,

My name is Frank DeFelice, and I currently serve as the Chair of the *Planning & Zoning Commission* for the Town of Durham; and as the Chair of the *Regional Planning Commission* for the Lower Connecticut River Valley Council of Governments, which represents 17 of Connecticut's municipalities.

Extinguishment of non-conforming uses

I'll begin by discussing one of the biggest shortcomings of SB-1024 (and similar language that also appeared in SB-804). In Lines 296-303 (Section 4 (d)(4)(A)(ii)) there is language related to the extinguishment of non-conforming uses. **This language does nothing to increase the availability of affordable or attainable housing.** It runs counter to the recently-passed Public Act 17-39; which established the right for a property owner to continue a non-conforming use. **This language should be deleted in its entirety.**

The legislature should recognize that preserving the legal right of a non-conformity is not a bad thing; rather it is a good thing. The preservation of non-conforming uses was established to allow municipal land-use commissions to revise and improve their regulations, *while keeping the owners of potentially impacted properties whole*. Furthermore, the language in SB-1024 evaluates non-compliances in terms of the *Plan of Conservation & Development*; however, **a Plan of Conservation & Development is not a Zoning Regulation**; it is a very broad-based, long-range Planning Policy document. The language in this regard is also confusing; as it does not state *which* PoC&D would apply (remember there are three: Local, Regional and State).

Sadly, this language is eerily reminiscent of the case of *Kelo vs. The City of New London*. If enforcement issues exist (they are rare) they should be handled by a town's Zoning Enforcement Officer (ZEO) as that is their statutory function.

No Minimum Parking Required

Lines 436-437 of SB-1024 allow mixed-use and multi-family units **with no minimum parking requirements for dwelling units**. This is a significant public safety issue; particularly in many smaller towns having single-lane (in each direction) Main Street corridors and neighborhoods. *Where would the residents of these units park their automobiles... on the street?* Remember, that if an organized parking area is not provided, how would we insure access for our fire and emergency vehicles, or for snow removal for the unit's residents? **At least one parking space is required.**

Definition of Accessory Apartment

In Lines 8-13 of SB-1024, "*Accessory Apartment*" is defined (in-part) as having "*cooking facilities*". To better align with established state and NFPA Codes and Standards, **this definition should be revised to read: "*has independent cooking and bathroom facilities*".**

Aggrieved Persons

Lines 357-364 of SB-1024 would create a new cause of action for Aggrieved persons through Superior Court. This could cause Connecticut's municipalities to endure unnecessarily expensive litigation right from the start; rather than utilize established lower-cost methods of resolution; including the Zoning Board of Appeals and mediation. **This language should be deleted.**

In closing, I believe that our state can achieve the goal of increasing the availability of affordable and attainable housing units without up-ending decades of established land-use law. Regrettably, the language in SB-1024 falls short; because a number of important factors that could have been incorporated to reduce the cost of housing have not been considered. **I urge you to oppose SB-1024 entitled "*An Act Concerning Zoning Authority, Certain Design Guidelines, Qualifications of Certain Land Use Officials*"**

Respectfully,

Frank C. DeFelice