# Legislative History for Connecticut Act

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THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Also, for the items that had been referred to committees, that had been Go and then amended and then sent to committees, we can immediately transmit those to their committees as well.

THE CHAIR:

Seeing no objection, so ordered sir.

SENATOR DUFF (25TH):

Thank you, Madam President. If the clerk can now please call Calendar page 26, Calendar 323, Senate Bill 330.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 26, Calendar 323, Senate Bill Number 330, AN ACT CONCERNING DEMOLITION PERMITS.

THE CHAIR:

Good afternoon, Senator Osten.

SENATOR OSTEN (19TH):

Good afternoon, Madam President. It's a pleasure to see you here today. I move acceptance of the Joint

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Committee's favorable report and passage of the bill.

#### THE CHAIR:

The motion is on acceptance and passage. Will you remark, ma'am?

#### SENATOR OSTEN (19TH):

Yes, Madam President. Madam President, this bill is really a simple bill that received all written support. No written opposition to it. This bill prohibits municipalities that impose a waiting period before granting a demolition permit for a building or structure from taking any action towards demolition during that time, and what has been happening and what is unfortunate is that some abatement has been occurring without it previously being assessed and making and rendering those structures nontransferable and unrepairable. I ask for support for this bill.

#### THE CHAIR:

The motion is on acceptance and passage. Will you remark? Senator Linares, good afternoon, sir.

#### SENATOR LINARES (33RD):

Good afternoon, Madam President. I rise to support the bill as well. I think that this certainly allows municipalities to have the kind of support that they're looking for with the original intent of the law, and also I think this will help the efforts in our local historical societies across the state and we value all of their efforts as well. So, I

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rise in support of this law. Thank you, Madam President.

THE CHAIR:

Will you remark further on the bill? Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. Just a couple questions if I may through you to Senator Osten that came up.

THE CHAIR:

Please proceed.

SENATOR WITKOS (8TH):

This would only be applicable if a municipality has already passed an ordinance that requires a delay in the issuing of a demolition permit, is that correct, Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Yes.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

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Is the contractor allowed to do anything in the interior of the residence to prepare for the demolition prior to the permit being issued? Through you.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

In that 180-day time frame, they would only be allowed to do those things that were approved by the local building inspector, having impact on health.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

So say for example somebody were to want to have their electrical service disconnected, and there was a 60-day waiting period just to get on the list to have that done, I don't know if that would be considered a health issue or not, would they be allowed to contact their local utility electric service company to make application to have their electric service be disconnected. Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

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Through you, Madam President. They would be allowed to make that application, yes.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. I thank the Senator for the answers.

THE CHAIR:

Thank you.

SENATOR OSTEN (19TH):

Seeing no -- if there is no --

THE CHAIR:

Senator Kelly.

SENATOR OSTEN (19TH):

Goodness gracious.

SENATOR KELLY (21ST):

Thank you, Madam President, and good afternoon.

THE CHAIR:

Good afternoon, sir.

SENATOR KELLY (21ST):

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I have a couple of questions through you to the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR KELLY (21ST):

Thank you very much. I understand that this bill deals with demolition permits, in specific with structures that have asbestos, and part of the bill deals with remediation and removal of asbestos, and my question is whether or not the bill will actually pertain not only to the structure but actually to the land itself. Through you.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. This is a demolition permit. It is not, it is referring to the structure. Through you, Madam President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY (21ST):

Thank you very much, Madam President. So I want to be clear for legislative intent that in no way can this be construed or applied to real estate property or the removal and remediation of land and property

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on site and that it is strictly limit to structures. Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

I want to go back to, I have a question of clarification, through you, Madam President.

THE CHAIR:

Please proceed, madam.

SENATOR OSTEN (19TH):

When you -- you just said concerning real estate and property, are you thinking that that property only refers to the land itself? What specifically are you concerned about? Through you, Madam President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY (21ST):

Thank you, Madam President. Yes. What I'm looking and my concern is that in many of my, some of my municipalities, one in particular, there is a lot of asbestos that is buried in the property in the town, and what I wouldn't want to have happen is in a nonemergency-related situation, knowing that obviously removal of hazardous waste is dangerous, but if it's capped, and if it's where it is, it may not be an emergency basis, so in a nonemergency

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basis, I wouldn't want to delay somebody to go in an remediate that activity. What I want to make sure is that in this instance that we're only looking at asbestos that may be contained in the structure or the improvements on the land and not necessarily in the land itself.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

I believe -- through you, Madam President. I believe that this is answered in many areas in the bill where it says within the premises of the structure, not outside there. I'd be a little concerned about people burying asbestos around the property, and I'm not certain which of our municipalities sort of allow that. I'm certain it's historic in nature, and I think that, I know the intent of this particular piece of legislation is not to deal with a brownfield situation. Through you, Madam President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY (21ST):

Thank you, Madam President, and thank you, Senator, for your answers. Yes, if it's just specifically to the structure, then I have no further questions.

THE CHAIR:

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Thank you. Will you remark further? Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. Madam President, to the proponent of the bill.

SENATOR OSTEN (19TH):

Let me back up. Senator Fasano, okay, I'll stand.

THE CHAIR:

Please proceed, sir.

SENATOR FASANO (34TH):

In that time frame, you apply for the permit, you got to wait the six months. Could the applicant go in there and take the sheet rock out of the facility, out of the building.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you, Madam President. The intent of this would be to only remove anything from inside the structure that is approved by the local building official. So, the intent, the overall intent here is to keep that in general historic structure from being so damaged that it's not able to be repaired or remodeled back to its traditional way. So, through you, Madam President, the intent would be to not allow that.

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THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):

So, through you, Madam President. My understanding is for historical structures, the outside of the structure cannot be touched if it is a historical structure, and you want to take it down by a permit. You cannot touch the outside. But I don't know of any regularly authority, federal or state, that protects the inside of an historic structure. Am I incorrect in that? Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. Through you, this bill is to deal with those municipalities who have an ordinance that is saying that there should be no work done, no demolition inside the structure itself that is not approved by the building official as a health concern, so it would stop, quite frankly it would stop the sheetrock from being removed at that time frame. Generally, it's probably not sheetrock, in an historic structure. It may be plaster. The intent is to allow those historic districts to weigh in on some of the changes that are being, that are happening. Through you, Madam President.

THE CHAIR:

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Senator Fasano

SENATOR FASANO (34TH):

So legislative intent, if I wanted to take out chandeliers that are hanging from the ceiling, and the building inspector said no, I would not be allowed to take chandeliers hanging through the ceiling or fans or fixtures on the wall during that time. Is that correct, through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Through you, Madam President. That would be the intent. Through you.

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):

However, if before I filed the application for demolition I could remove all those items without any concern. Is that correct? Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

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I apologize, Senator. Through you, Madam President. I didn't hear the first couple of words that you said, so I missed the beginning part of the question.

SENATOR FASANO (34TH):

Sure, so before I filed for the permit of demolition, so had I not filed for a permit of demolition, I could go in there, take down the chandeliers, take down the sheet rock, because that's not demolition. I could do that without being in peril of any particular statute relative that we're passing here today, is that correct. Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Through you, Madam President. That would be correct, Senator.

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. Thank you, Senator Osten. Madam President, I'm probably not going to support the bill for the following reasons. One, it's my understanding that historical structures protect the outside, not the inside. Number two is that if someone wants to take down sheetrock or take down lights and that sort of thing, I still don't

understand what we are protecting other than having a delay. So, Madam President, I'm not sure I appreciate the policy for which this is going in effect. I do appreciate historical structures. My office is in one. But the interior of a historical structure is not regulated by statute regulation or federal rules. It's only the outside. So for that reason, we will be impairing someone's ability with respect to this process, and so therefore I'm probably going to vote no. But thank you, Madam President.

#### THE CHAIR:

Thank you. Will you remark further? Senator Chapin. Good afternoon, sir.

SENATOR CHAPIN (30TH):

Good afternoon, Madam President. Madam President, a question to the proponent, through you, please.

THE CHAIR:

Please proceed, sir.

SENATOR CHAPIN (30TH):

Thank you, Madam President. Could the ordinances in those municipalities that presently have them be rewritten to accomplish the same thing that the bill before us today is attempting to accomplish? Through you, Madam President.

THE CHAIR:

Senator Osten.

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SEN. OSTEN (19TH):

Through you, Madam President. My understanding is without this piece of legislation the ordinance could not be amended without us allowing that amendment to happen. Through you, Madam President.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN (30TH):

Thank you, Madam President, and I thank the gentle Lady for her answer.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? Senator Osten.

SEN. OSTEN (19TH):

I have a call for a roll call vote, Madam President.

THE CHAIR:

If no other conversation, Mr. Clerk, will you call for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.

Immediate roll call has been ordered in the Senate.

THE CHAIR:

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All members have voted? All members have voted? The machine will be closed. Mr. Clerk, will you please call the tally.

#### THE CLERK:

On Senate Bill Number 330,

Total Number Voting	,	36
Those voting Yea		31
Those voting Nay		5
Absent and not voting		0

#### THE CHAIR:

The bill passes. Senator Duff.

### SENATOR DUFF (25TH):

Thank you, Madam President. I've done my best to block and tackle members in the circle here, so if they would hold because we're going to have a vote of the Consent Calendar. If the clerk can now all those items on a Consent Calendar.

#### THE CHAIR:

Mr. Clerk. We will hold for one second.

#### THE CLERK:

On page 1, Calendar 213, House Joint Resolution
Number 161; page 1, Calendar 214, House Joint
Resolution Number 162; on page 2, Calendar 215,
House Joint Resolution Number 163, House Joint
Resolution 164, House Joint Resolution 165, and
House Joint Resolution 166. Also on page 2,
Calendar 219, House Joint Resolution Number 167.

JOINT STANDING COMMITTEE HEARINGS

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March 4, 2016 11:00 A.M.

# PLANNING AND DEVELOPMENT COMMITTEE

DAVID McGuire: Yes, that's a good point. So some of those take a picture of the driver as well as the license plate, some of them you know has a license plate recognition system which gives real privacy concerns over it, but for the purposes of tolls as long as that data is not kept and stockpiled for reasons other than verifying that a person has a pass, then we don't have a problem with it. But similar concerns can be addressed through some language in certain statutes. But this particular program would be problematic for a number of reasons, and especially since it doesn't truly increase public safety.

REP. MILLER (36TH): Well thank you. I appreciate it. Any questions from our committee members? No, thank you for your testimony.

DAVID McGuire: Thank you for having me.

REP. MILLER (36TH): Next up, we'll have Daniel McKay to be followed by Tim Beeble. Welcome.

DANIEL McKAY: Thank you sir. I'm testifying today on behalf of the Connecticut Trusts for Historic Preservation. We're based in Representative D'Agostino's district in Hamden, the Whitney Boarding House. I'm the new executive director of the Connecticut Trust, I'm replacing Helen Higgins, who retired after 18 years of service, rebuilding and leading that organization. I'm a new resident of Connecticut, new resident of Wallingford, Connecticut and I'm happy to be here and thrilled with the resources and challenges in the state in terms of historic preservation.

SB 330

# PLANNING AND

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I thank you for this opportunity to testify on behalf of Senate Bill 330. This is an amendment to state enabling legislation passed in 1983 authorizes local municipalities to pass demolition delay ordinances. And that's legislation that seems to be a very important tool in the midst of public planning, historic resource protection in Connecticut. It is a tool that has worked well, and has been adopted by at least 50 municipalities around Connecticut and it's a list appended to my testimony of where those municipalities are. And the proposed changes that we support, typically and the proposed change, in effect prevents premature remediation of asbestos and other potential contamination in an older or historic structure in such a way that to our knowledge and our anecdotal evidence has at times been s destructive, remediating those issues during the demolition delay that the result ultimately mean the building has no value for resale, or repurposing even though the delay is in place.

So this forestalls that type of remedial action the proposed changes forestalls that type of remedial action until the end of the demolition delay period and the ultimate issuance of a permit in support or in denial.

However, we'd like to make some additional changes or suggestions excuse me, for what might be incorporated into the bill, and so I've outlined those for you. We believe it should be a condition of application for demolition permit that the reason for demolition be cited. That is not something that is consistent with at the local level. And that there be an indication of complete and partial demolition with the definition of what partial

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demolition means. We think that information will help local advocates for potential re-use of such structures, respond more effectively more quickly to the issues at hand.

In Section B, we propose that applications for a demolition permit under the statute should have a statewide public notice requirement. The local ordinances all have very specific and appropriately tailored public notice requirements listed on the website, publication in a newspaper of record. However if there were a central clearing house for posting where these delays are being considered, perhaps how the state historic preservation office, we would have as a statewide advocacy organization and other local original advocates would have a clearing house for being t tailor and direct our expertise to these situations.

Our final suggestion is that Section C, should additionally prohibit requirements imposed by some municipalities that public utilities intentionally be terminated prior to accepting an application for demolition. If you're cutting off electricity, if you're cutting off water and other services to the site prior to even considering a demolition permit, you're actually we think undercutting the whole intention of a demolition delay.

So if you all would consider those potential changes we see a more effective ordinance ahead.

REP. MILLER (36TH): Thank you for your testimony and first, congratulations on your posting and I wish you well and hope you succeed brilliantly.

DANIEL McKAY: Thank you very much sir.

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REP. MILLER (36TH): Historic preservation of so many of our assets is in all of our best interests, for certain. I was a first selectman of a small town, like other small towns, full of historic properties like our cities too. And we adopted the delay of demolition ordinance. And on the very positive side, we felt that it brought to bear some moral, if you will and in one case it was interesting where a contractor wanted to demolish a building that in various iterations had been a funeral home, and a number of other things and at this point, it was a multi-family home.

He was concerned that some of the architecture was very tired and sagging and there was a compromise reached I think thanks to the spirit of this legislation, where a number of the architectural features of the original building from a certain type of what they call an eyebrow window above the front door, and other features were saved and then added into the new building. And even though the new building is about 90 percent new, it retained so much of the original features and such that it really came out well. And people were generally pleased.

However, the criticism I hear of this is that it doesn't have enough teeth and that the 75 days is often not long enough and people forget after a little while, and that overall in towns is that people are keeping track of how many historic properties have been demolished since a certain date or something and I remember I was talking to people from Westport and they were saying we lost from 1990 to 2005 we lost somewhere about several dozen historic properties and that's a concern.

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So, I appreciate your suggestions and maybe we could find a meaningful way to put that in and give this some more teeth.

But anyway, thank you for you testimony. Yes please.

DANIEL McKAY: The legislation grants up to 180 days, so some municipalities have indeed chosen the maximum. They have worked in the three months and in South Windsor where there is actually a demolition delay that just went into effect yesterday, it's a 180 days window for Connecticut Trust working with the State Preservation Office and other local advocates to get in there and evaluate the sit with the owner and perhaps convince him of the alternative or look for alternatives under new ownership altogether. So the more time we have, patience and persistence are key ingredients of historic preservation.

The other piece is on a town-to-town basis, local knowledge of what has been lost, the sites that have been lost have been one, is something that people share with me as well, as I begin to introduce myself around Connecticut, to have a central database that allows us to in effect collect that history of how effectively this ordinance is working, what further changes might be needed vis-a-vie demolition delay, and further incentives of problematic activity might occur and what might be created t forestall. I can think of just in the last two weeks, five different communities, where I've heard about demolition proposals from New Canaan to South Windsor to other parts of the state and I come here to an old state with new eyes. And

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I hate to see that frequency of loss, potential loss, occurring here. So I am very committed to working locally and at the state level to create the right mix of program incentives that will forestall that type of activity.

REP. MILLER (36TH): Thank you, questions from our committee. Again, thank you for your testimony and again, congratulations and best wishes for a terrific future.

DANIEL McKAY: Thank you, I appreciate that. Hope to see you again.

REP. MILLER (36TH): Next up we'll hear from Tim Beeble on two different bills, followed by John Anderson. Welcome sir.

\_SB330 HB5483

TIM BEEBLE: Representative Miller and members of the Planning and Development Committee my name is Timothy Beeble from Bethel Connecticut. I'm a member of the board of the Connecticut Preservation Action as well as it's past president. Connecticut Preservation Action was founded 40 years ago, and it is a statewide organization that is made up of Connecticut's historic preservation organization at the local level. I am a former chairman of the Connecticut Historic Preservation Council as well as it is still under the Connecticut Historical Commission. So, was on those commissions for 15 years. My term ended and now I'm back on Connecticut Preservation Action.

A year ago I retired from the city of Stanford after serving 23 years as it's community development director. And Stanford has a demolition ordinance and in Bethel where I live, I had shepherded the

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demolition delay ordinance through that down as well. And both towns have had this ordinance for about 30 years.

I submit this testimony on behalf of the Connecticut Historic Preservation and its support of raised bill SB 330, AN ACT CONCERNING DEMOLITION PERMITS.

While the delay of demolition ordinance provide a time for exploration of an alternative to demolition there are many cases where the owners have taken partial demolition during the delay period or immediately prior to even applying for a demolition permit. The Historic Neighborhood Preservation Program, Incorporated which is a nonprofit preservation group in Stanford, reports that the city of Stanford's building department requires that owners cut off utility and perform asbestos and lead abatement prior to even filing an application for demolition permit.

Renee Khan, the former director of this preservation group states that the mandatory, pre-demolition preparation as a prerequisite to applying for a permit, leaves the historic building in shambles and eliminates the opportunities for rehabilitation and During the demolition delay period, in the unheated building with it's utilities severed, it rapidly deteriorates.

We support the Senate Bill 330, in that it would solve the problem of owners undertaking partial demolition during the delay period. But we do urge you to further modify the bill to prohibit municipalities with delay of demolition ordinances from requiring that prospective applicants for

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demolition permits complete asbestos and lead abatement as well as utilities.

The predevelopment and preparation work must be postponed until after the completion of the delay period.

We thank you for allowing his testimony and are available for questions about our experiences.

REP. MILLER (36TH): And may I ask you, your stand also on the other bill that you wanted to speak briefly on, on the crematories?

TIM BEEBLE: Yes, that's kind of separate and not the same organization so I just suggest that if you have any questions on this, I can take those and then move onto the next.

REP. MILLER (36TH): Okay, any questions on the first bill testified against from members of the committee? No? Okay, would you briefly comment on your position on House Bill 5483 then, sir?

TIM BEEBLE: Yes, Representative Miller and members of the Planning and Development Committee I'm Timothy Beeble of Bethel Connecticut, I have a masters degree in urban planning and I'm very familiar with local planning and zoning procedures. Raised bill HB-5483, AN ACT CONCERNING ZONING OF CREMATORIES, is intended to benefit one firm that is located in Bethel. The proponent of this bill suggests that HB 5483 will give towns flexibility to permit a crematory that's located within 500 feet of residential zoned land that's owned by the municipality.



The preservation community's unified voice as the State Capitol since 1980

# PLANNING AND DEVELOPMENT COMMITTEE Public Hearing March 4, 2016 Testimony on Raised Bills SB 330 - An Act Concerning Demolition Permits.

Senator Osten, Representative Miller & Members of the Planning and Development Committee:

My name is Timothy Beeble from Bethel, CT. I am a member of the Board and Past President of Connecticut Preservation Action was founded 40 years ago and is a statewide coalition of Connecticut's historic preservation organizations. I am the former Chairman of the Connecticut Historic Preservation Council and the Connecticut Historical Commission. A year ago I retired from the City of Stamford after serving 23 years as its Community Development Director. I submit this testimony on behalf of Connecticut Preservation Action in support of Raised Bill SB 330 - An Act Concerning Demolition Permits.

In 1983 the Connecticut General Assembly passed enabling legislation under C.G.S. 29-406 to permit municipalities to adopt ordinances to impose a waiting period before issuing a demolition permit for buildings that are more than 50 years old. This period of delay allows time for the community to work with the building owner to explore alternatives to demolition. In the past 30 years, more than 50 municipalities have adopted delay of demolition ordinances and have had successes in working with owners to undertake rehabilitation for the reuse of their historic buildings rather than opting for demolition.

While the delay of demolition ordinances provide the time for the exploration of alternatives to demolition, there are many cases where the owners have undertaken partial demolition during the delay period or immediately prior to applying for a demolition permit. The Historic Neighborhood Preservation Program, Inc. (HNPP) has reported that the City of Stamford Building Department requires that owners cut off utilities and perform asbestos and lead paint abatement prior to filing an application for a demolition permit. Renee Kahn of HNPP states that this mandatory pre-demolition preparation as a pre-requisite to applying for a permit leaves a historic building in shambles and eliminates opportunities for rehabilitation and reuse. During the demolition delay period, any unheated building with its utilities severed, rapidly deteriorates.

Connecticut Preservation Action supports Raised Bill SB 330 in that it would solve the problem of owners undertaking partial demolition during the delay period. However, CPA urges that you further modify the bill to prohibit municipalities with delay of demolition ordinances from requiring that prospective applicants for demolition permits complete asbestos and lead paint abatement, as well as cut utilities, prior to making application for a demolition permit. This predemolition preparation work must be postponed until after the completion of the delay period.

Thank you for allowing this testimony.

Timothy Beeble

