

CONNECTICUT Land Conservation Council

Testimony on Senate Bill No. 938
Judiciary Committee
Submitted by Amy Blaymore Paterson, Executive Director
Connecticut Land Conservation Council
March 3, 2021

Co-Chairs Winfield and Stafstrom, Vice-Chairs Kasser and Blumenthal, Ranking Members Kissel and Fishbein, and members of the Judiciary Committee:

Thank you for this opportunity to present testimony on behalf of the Connecticut Land Conservation Council in opposition to **SB 938, An Act Concerning Land Use Appeals**.

The Connecticut Land Conservation Council (CLCC) is the state's umbrella organization for the land conservation community, including its ~130 land trusts. We advocate for land conservation, stewardship and funding, and work to ensure the long-term strength and viability of land conservation in Connecticut.

CLCC opposes SB 938 as it would deprive intervenors -- including those participating as parties to municipal land use proceedings pursuant to the Connecticut Environmental Protection Act (CEPA) -- of an opportunity to be heard as part of the administrative appeal process. CEPA gives private individuals or organizations standing to sue to protect the environment. Once their petition to intervene is accepted, CEPA intervenors are granted the full rights of a party to the proceeding.

Currently, Connecticut General Statutes section 8-8(n) requires a hearing before the withdrawal or settlement of an appeal of a decision of a municipal zoning commission, planning commission, or zoning board of appeals. The purpose of the hearing is to ensure parties to the appeal make their case before a judge -- and the public -- as to why the matter should be withdrawn. As parties to the proceedings, intervenors are provided with an opportunity to participate in the public hearing.

SB 938 only requires a court hearing if the defendant (i.e. the land use commission) objects to the withdrawal. This dramatic change to the statutory appeal process deprives intervenors of their right to fully participate in the appeal process and the public of an open and transparent process to hold their local decision-making authorities accountable. .

We strongly urge the Committee to reject this proposed change to the land use appeal process.

Thank you for this opportunity to submit comments. I would be happy to answer any questions you may have.

