

Act Number: 09-165

Bill Number: 6466

Senate Pages: 5671, 5701-5703 **4**

House Pages: 3730-3757 **28**

Committee: Planning and Development: 850, 852, 866-867, **47**
879-885, 896-903, 923-924, 937-940, 943-944
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on the Consent Calendar. Without objection, so
ordered.

SENATOR LOONEY:

Yes. Thank you, Mr. President. Continuing
Calendar Page 10, Calendar 653, House Bill 6426 is
marked go.

THE CHAIR:

Senator Looney, is that Calendar 635, sir?

SENATOR LOONEY:

Yes.

THE CHAIR:

(Inaudible) --

SENATOR LOONEY:

The Calendar Page 10; 635.

THE CHAIR:

Thank you, sir.

SENATOR LOONEY:

Yes, Mr. President. Moving to Calendar Page 11,
Calendar 649, House Bill 6466. Mr. President, move to
place that item on the Consent Calendar.

THE CHAIR:

There is a motion on the floor to place Calendar
Number 649 on the Consent Calendar. Without
objection, so ordered.

SENATOR LOONEY:

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Mr. Clerk, please call Consent Calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the chamber.

Mr. President, those items placed on the Second Consent Calendar --

THE CHAIR:

Mr. Clerk, please hold for a second.

I'm trying to hear the Clerk call the Consent Calendar and I'm sure you don't want to miss that vote either, so if I could have your attention and quiet, please.

Mr. Clerk.

THE CLERK:

The items placed on the Second Consent Calendar begin on Senate Agenda 1, substitute for House Bill 6486, substitute for House Bill 6649. Senate Agenda Number 3, House Bill 6394. Today's Calendar, Calendar Page 3, Calendar 317, Senate Bill 586; Calendar Page 4, Calendar 455, House Bill 5018; Calendar Page 7, Calendar Number 593, Substitute House Bill 5286; Calendar Page 8, Calendar 606, substitute

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for House Bill 5883; Calendar Page 9, Calendar 619,
House Bill 6343; Calendar 626, House Bill 6476;
Calendar 629, substitute for House Bill 6232; Calendar
Page 10, Calendar 634, House Bill 6544; Calendar 636,
substitute for House Bill 6483; Calendar Page 11,
Calendar 649, substitute for House Bill 6466; Calendar
Page 13, Calendar 663, substitute for House Bill 5254;
Calendar Page 15, Calendar 680, substitute for House
Bill 5821; Calendar Page 16, Calendar 684, House
Bill 6231; Calendar Page 17, Calendar 689, substitute
for House Bill 5421; Calendar Page 18, Calendar 695,
substitute for House Bill 6419; Calendar Page 19,
Calendar 699, substitute for House Bill 6284; Calendar
Page 21, Calendar 711, House Bill 5099; Calendar 712,
substitute for House Bill 6025; Calendar Page 22,
Calendar 718, substitute for House Bill 5861; Calendar
Page 23, Calendar 720, substitute for House Bill 5108;
Calendar Page 32, Calendar 450, House Bill 6233;
Calendar 467, substitute for Senate Bill 1031; and,
Calendar Page 35, Calendar 205, substitute for Senate
Bill 948. Mr. President, that completes the items
placed on the Second Consent Calendar.

THE CHAIR:

Will you please call the Consent Calendar? The
machine will be open.

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THE CLERK:

The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the chamber. The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be closed. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar
Number 2:

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, would move for immediate transmittal to the House of Representatives of any items voted on, on Consent Calendar Number 2, requiring additional action by the

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Thank you, Madam Speaker. It's lovely to see you up there this evening.

DEPUTY SPEAKER ORANGE:

It's always nice to see you as well.

REP. OLSON: (46th)

Thank you. I'm going to moving three items to the Consent Calendar for action later on today in today's Session, Items Number 476, Calendar Number 582 and Calendar Number 614.

HB 6493
SB 963
SB 1028

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

The motion before us is to place the following items on the Consent Calendar for action later in the day. They are Calendar Number 476, Calendar Number 582 and Calendar Number 614.

Is there objection to the motion? Is there objection to the motion? Hearing none, those items are placed on the Consent Calendar for later action today.

Will the Clerk please call Calendar Number 299.

CLERK:

On Page 38, Calendar Number 299, Substitute for House Bill Number 6466 AN ACT CONCERNING PROJECTSW OF

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REGIONAL SIGNIFICANCE. Favorable Report of the
Committee on Appropriations.

DEPUTY SPEAKER ORANGE:

Representative Brendan Sharkey, you have the
floor, Sir.

REP. SHARKEY: (88th)

Thank you, Madam Speaker, good to see you up
there.

DEPUTY SPEAKER ORANGE:

Good to see you this evening as well.

REP. SHARKEY: (88th)

Madam Speaker, I move acceptance of the Joint
Committee's Favorable Report and passage of the Bill.

DEPUTY SPEAKER ORANGE:

The question is acceptance of the Joint
Committee's Favorable Report and passage of the Bill.

Representative Sharkey, you have the floor, Sir.

REP. SHARKEY: (88th)

Thank you, Madam Speaker. Madam Speaker, I
talked previously on other bills that we've produced
out of the House and on other bills that will be
coming from the Senate regarding the Smart Growth
Working Group and the work of many volunteers, both in
the private and public sector and from both sides of

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the aisle, to try to find ways of making our state more competitive economically.

One of the things that we heard consistently was the fact that in other states and in other locations around the country, there is a genuine sense that folks who want to come in and invest in those states and invest in local communities are treated with a certain level of cooperation, and are embraced with information and guidance and help from state, local and regional governments, to help encourage and foster that particular project and wind its way through the regulatory process.

What we heard consistently was regulations and requirements on new developments in and of themselves are not a problem. It's the uncertainty that's associated with a siloed approach to development and approval that creates the uncertainty that causes many folks who would like to invest in our state from doing so.

So one of the things that came out of that working group and those discussions was the idea that we should empower our regional planning organizations to convene applications, pre-application meetings for developers so that they can meet with local regulatory

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officials and state officials who would be reviewing these projects.

These are larger projects, what we call projects of regional significance, meaning projects of a certain volume and size that would warrant a regional approach and a regional view, and allow that developer to have a chance to meet with, on an informal basis, all of the local and state agencies and regional agencies that would have a role in its approval.

So that's the genesis of this Bill. Madam Speaker, the Clerk has an Amendment, LCO Number 6977. I ask that it be called and I be given leave of the Chamber to summarize.

DEPUTY SPEAKER ORANGE:

Will the Clerk please call LCO Number 6977 designated as House Amendment Schedule "A".

CLERK:

LCO Number 6977, House "A", offered by Representatives Sharkey and Aman.

DEPUTY SPEAKER ORANGE:

The Representative seeks leave of the Chamber to summarize the Amendment. Is there objection to summarization? Is there objection to summarization?

Hearing none, Representative Sharkey, you may proceed, Sir.

REP. SHARKEY: (88th)

Thank you, Madam Speaker. Madam Speaker, this is a strike-all Amendment, and it reflects a number of changes that were requested and recommended by both state agencies, regional planning organizations, cities and towns around the state, as well as folks in the development community, many of the state people who participated in the Smart Growth Working Group that has been meeting for the last year.

What it means is, what the Bill and the Amendment, which would become the Bill does, is establish a definition for regional, plans of regional significance, which means proposals generally that are, that would generate 500,000 square feet of indoor commercial industrial space, 250 residential housing units in structures under four stories, or at least 1,000 parking spaces.

From there, the intent is to have anyone proposing in the private sector, anyone who is proposing a potential development of that size, to contact the regional planning organization and request

and application, a pre-application meeting with all of those local and state regulatory folks that I just described earlier under the underlying Bill.

It would be an informal meeting. It would be done prior to any applications ever being filed, and the intent is to get input from those different regulatory groups as to what some of the problems would be, what some of the issues that might be with regard to the development itself, what is the regulatory and approval process, what would the timelines be.

And this would enable the developer to have a little bit more sense of what is actually laying out there in the future for him or her if the actual development was proposed.

We want to specify that this is an informal meeting, is not something that could be used in a later proceeding or on appeal by any of the parties to that meeting, or by any other person that's similar to other pre-application meeting statutes that we've already established.

But the idea is to have a frank, informal conversation to get all the players in the room who would have a role in the approval of the (inaudible)

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project, so that they all have a chance to then vent a little bit, provide some information to the developer, and give the developer a sense of certainty to where we're going, or where he or she would be to go with regard to getting a project approved.

So with that, Madam Speaker, with this strike-all Amendment, I would move adoption of that Amendment, which would become the underlying Bill.

DEPUTY SPEAKER ORANGE:

The question before the Chamber is adoption of House Amendment Schedule "A". Will you remark further on the Amendment? Will you remark further on the Amendment?

Representative Aman of the 14th, you have the floor, Sir.

REP. AMAN: (14th)

Thank you very much, Madam Speaker. First of all, I would like to thank Representative Sharkey for working on this Bill and including me in the negotiations that were going on with it. Right up to probably yesterday, I had many problems with the Bill as did many other people.

We were able to get together, work out on the language, and I think come up with a compromise and a

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Bill that will be assisting everyone within this project.

I would like to emphasize some of the things that were said. First of all, these are only projects that are very, very large, a mall, a manufacturing plant, again, something that is going to have not only an impact on a community, but probably have an impact on the communities immediately surrounding them, and again as part of the Smart Growth policy, if you're going to do something that is going to affect the state as a whole or several communities, we should really look at it in its entirety.

The other part of this is that it is a completely voluntary process to the private developer, and that does two things.

One, right off the bat, it's voluntary. They don't have to do it. But more importantly, it's saying to the state agencies and the local towns, if it doesn't work, and work to the advantage of both the government and to the private developer, no one else is going to come forward and do this, and that's not going to be good for anyone.

It also gives us, the purpose of a meeting is on an informal basis, the opportunity to discuss what

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impact is this program or this building or this center going to have on a whole variety of different things, and the people sitting at the meeting could have very different questions.

You could have your municipal officials very obviously interested in what's going to happen to the schools, what's going to happen to local traffic? You'd have the Transportation Department. What's going to happen to our major highway, DEP concern about what is going to happen to the environment?

And you can just continue through all of the various state and local agencies, all that have their concerns.

One of the things we've heard, especially from out-of-state developers is the problem that they have. They meet with the Department of Transportation and they say, we would like probably this type of road network. They meet with DEP who says, well, we want to protect this, and they're sitting there going, I think those two things are in conflict.

Then get around to talking to the local wetlands agency, planning and zoning, et cetera, and they say, wait a minute, they have just eliminated every single possible option we would have for this parcel.

The advantage of having everybody in the same room is that each person has a little less parochial interest and says, yes, that would be what I would absolutely like to have happen, but I can see the problems that the other agencies, or the municipal government's going to have, and we're much better off going in another direction and developing the project that way.

Also, it helps the private developer in that he's doing plans, hopefully once instead of many times, that when they come up for a public hearing, the agencies can stand there and say right off the bat that it looks like it works, it was built to what we were specifying and things.

The last part of the Bill that was very important to both the municipalities, the towns, the state and the private developers was, that because the meeting was informal and there was a lot, hopefully a lot of give and take, that nothing in that meeting could be used for or against the project in the future.

The agencies were very concerned that if during the informal discussion, if they said we thought a particular action was a good idea, they were very concerned that six months or a year later they would

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have a judge telling them, well you said it was a good idea back in that informal meeting.

At the same time, the private developer who was saying, well, I told them I was thinking of doing this and then our plans changed, the economy changed, so I have to adapt or change my plans, didn't want to be in a position of being forced because of the informal meeting, to follow their plan completely.

So I think the way this has gone forward, it s a win, win, win situation. I think it wins for the municipalities because they immediately meet with the developer and the state to determine what is being built, and how it impacts their community. They get their input in at the very start.

It helps the state agencies because they get right in at the beginning to express their concerns, what they would like to see done, and of course it helps the private developer, who is sitting there going, okay, with all of these concerns, with all of these items that people are talking about, is it worth me going ahead with the project? Should I stop it? Should I reformat it, and what form should I go?

So I think in the long run that this is for the betterment of everybody, and as I said at the start,

since it's voluntary on all persons, if the system doesn't work, people are not going to take advantage of it and the towns, the state will also back off from it.

So I think it's something that will help the state in its desire for logical, economic growth, and I urge passage of the Amendment, which will be the underlying Bill.

Thank you, Madam.

DEPUTY SPEAKER ORANGE:

Thank you, Sir. Would you care to remark further on the Bill? Representative Chapin, you have the floor, Sir.

REP. CHAPIN: (67th)

Thank you, Madam Speaker, a couple of questions to the proponent, through you, please.

DEPUTY SPEAKER ORANGE:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Madam Speaker. In Line 12 and on when we're defining proposed project of regional significance, can the gentleman tell me under the word, to be built by a private developer, would that include the State of Connecticut, the State of

Connecticut we're choosing to, let's say build a
community college building, for instance.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Sharkey.

REP. SHARKEY: (88th)

Through you, Madam Speaker, we specifically put
that language in and it's a good question for
legislative intent.

We specifically put that language in because we
wanted to exclude projects that were being built,
funded and developed exclusively by the State of
Connecticut from the scope of this project.

We really wanted this to be more geared toward
the private developer who is coming to the state and
making an investment on their own for the development.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Madam Speaker. And again, through
you, so in a case where the state may hire a private
developer, because it's a state project, would that

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private developer be preempted from engaging in this voluntary process?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Sharkey.

REP. SHARKEY: (88th)

The intent is that if a private developer has skin in the game, if you will, not necessarily just being hired to build a project by the State of Connecticut, but rather is a developer who's putting their own financing into the project. Those are the people that we wanted to be part of this.

So we didn't necessarily want to have every state project that, where they're hiring a local, or as some type of a contract, to carry out the initial, or to carry out the construction of the project. Those were not meant to be included among these.

I think, if I may, I think in practice what is going to happen over time is that, and what we hope will happen, is that this will become a system that folks will avail themselves of anyway, and that RPOs would embrace, the towns and the state would embrace, for projects that kind of make sense where there should be some local and state input.

But for the purposes of this particular Amendment and this Bill, Madam Speaker, the intent is to keep it only for those private developers who are making an investment of their own in the project.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Madam Speaker. And again, through you, in Lines 14 through 17 where we're defining some criteria, is that the same criteria that triggers a review or application to the State Traffic Commission?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Sharkey.

REP. SHARKEY: (88th)

Through you, Madam Speaker, no. We actually met yesterday with the DOT to craft this language, and it was pointed out to us by the DOT that projects that would trigger an STC permit and approval were actually, could be very small in scope, and therefore would probably fall outside of the realm of the kinds of projects that we wanted this program to cover.

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So we do not have, so it's not, these are above and beyond criteria that the STC uses for its particular permits. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Madam Speaker. And again, through you, in Line 15 it talks about 500,000 square feet of indoor commercial or industrial space.

If a developer wanted to for instance, have an outdoor flea market that obviously wasn't indoor commercial space, would they be allowed under this scenario, perhaps maybe under Subsection (c) in exceeding the threshold for parking requirements? Would they be allowed to engage in this process? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Sharkey.

REP. SHARKEY: (88th)

Through you, Madam Speaker, I would imagine that an outdoor facility like that, that would be in excess of 500,000 feet, although outdoors, would probably trigger Subsection (c) the thousand parking space element. So I think the idea of an outdoor facility

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in and of itself may not be included, but I think for the size and scope of what the gentleman's hypothetical is offering, I believe that would fall instead under Subsection (c) regarding parking spaces. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Madam Speaker. And again, through you, in Subsection (b) where the RPO is establishing the voluntary process, is it the planning and development chairman's vision that through that process that the developer would actually be able to meet with municipal boards and commission members as well as state agencies in this process? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Sharkey.

REP. SHARKEY: (88th)

Through you, Madam Speaker, no. The intent, and I think the language on, I believe it's in Line 28, beginning with the sentence, at least one representative from each relevant municipality and each state agency, the intent there was to prevent or

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exclude the potential for having to bring every municipal agency who might be doing a review, a representative of those agencies to this kind of a meeting.

I think the intent was to have just one person, perhaps the town planner or someone on the planning staff of the town, maybe the building official, who could essentially represent the broader spectrum of the local land use agencies to this meeting.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Madam Speaker. And again, through you, so if this Bill were to pass, is it conceivable that the private developer may request one of these pre-application meetings, and under that scenario, would the municipality or the state agency representative have an option to decline meeting with the private developer?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Sharkey.

REP. SHARKEY: (88th)

Through you, Madam Speaker, the intent is to not have any state agency or municipality opt out of the opportunity, of the requested meeting. We don't really have a penalty provision in here if the municipality decides to not participate.

But through the regional planning organization, we're hoping that the municipality will see the advantage of participating in a meeting like this, particularly if it's one of a large scale, to be able to provide some early input with an applicant, with a developer on a project that will certainly be impacting their community.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Madam Speaker. And lastly, in Subsection (c) it talks about the information not being able to be used for certain appeals.

I'm not sure if I'm remembering correctly, but at one point I thought I saw a version that would have exempted this information from FOI requirements, and if I'm remembering that correctly, is that exemption still in this Bill? Through you, Madam Speaker.

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DEPUTY SPEAKER ORANGE:

Representative Sharkey.

REP. SHARKEY: (88th)

Through you, Madam Speaker, no. In this Amendment we have stripped out any exemption from Freedom of Information disclosure. What we did do was borrow language from another portion of the statute found in Chapter 7 of the statutes involving these types of similar, where we authorize similar pre-application meetings with relevant agency and staff and use that same language with minor adaptations to this language here.

So this is fully consistent with other provisions of our statutes where we authorize local agencies to have pre-application meetings with potential developers without those meetings becoming binding on either the agency officials or the applicant. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Chapin.

REP. CHAPIN: (67th)

Thank you, Madam Speaker, and I thank the Chairman of the Planning and Development Committee for his answers.

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DEPUTY SPEAKER ORANGE:

Thank you, Sir. Will you care to remark further on the Bill as amended before us? Representative Godfrey of the 110th, Sir, you have the floor.

REP. GODFREY: (110th)

Thank you, Madam Speaker, I will remark on House Amendment Schedule "A", which is before us. I was the only one in Committee to vote against this Bill, and I voted against it for one reason and one reason only, as Representative Chapin alluded to, was because there was a blanket exemption from the Freedom of Information Act in this, way over broad in my opinion and I can just imagine the kind of horrifying scenarios when, you know, some big box store or something like that kind of comes with a fait accompli and it surprises the people in the town and the people and the neighbors for any project with this kind of big surprise.

We don't need that. We do need transparency in government. We do need to have voters and citizens and residents and neighbors fully apprised of what's going on in their neighborhood. It's only fair.

Happily, as we just heard in a little colloquy a few minutes ago, that has been removed. Now there are

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still protections for things like trade secrets and internal information regarding a particular company, simply because they are currently exemptions under the Freedom of Information Act, and have been there since the inception back in the 1970s.

So with these changes, this very diplomatic and consensus approach that Representative Sharkey and Representative Aman I know have both worked on very hard since this came out of Committee, I wholeheartedly support this Amendment, which will become the Bill and urge all my colleagues to do the same. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, Sir, for remarking on the Amendment before us. Will you care to remark on the Amendment before us? Will you care to remark on the Amendment before us?

Representative Candelora of the 86th, you have the floor, Sir.

REP. CANDELORA: (86th)

Thank you, Madam speaker, if I might, just a couple questions to the proponent of the Amendment.

DEPUTY SPEAKER ORANGE:

Please proceed, Sir.

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REP. CANDLORA: (86th)

Thank you, Madam Speaker. I just had some questions as the application of this type of procedure might go into effect.

Regional planning agencies that would host a pre-application process, I would envision that they would be bringing in various state agencies that they might deem would be relevant for the project, and then maybe towns that may be affected into a meeting.

Are regional planning agencies required to keep minutes of their meetings? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Sharkey.

REP. SHARKEY: (88th)

Through you, Madam Speaker, yes, and actually in this Amendment, which was also part of the original underlying Bill, there is, beginning on Line 39 of the Amendment, the regional planning organization is requested to submit a report to the participants of those meetings as to what transpired during those meetings.

Through you, Madam Speaker.

REP. CANDELORA: (86th)

Thank you, and--

DEPUTY SPEAKER ORANGE:

Representative Candelora.

REP. CANDELORA: (86th)

Thank you, Madam Speaker. And through you, Madam Speaker, would those meetings necessarily be open to the public, or could those meetings be held in private?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Sharkey.

REP. SHARKEY: (88th)

Through you, Madam Speaker, these meetings would be open to the public. There's nothing we can, unless we were exempting it from the Freedom of Information laws, regional planning organizations have to follow the same FOI requirements as other state agencies, so these meetings would not be private, and in theory, members of the public could participate in it as well.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Candelora.

REP. CANDELORA: (86th)

Thank you, Madam Speaker. And is, while the meetings may need to be open to the public, I guess there then would be an agenda for the meeting. It doesn't necessarily require public comment, so the public wouldn't necessarily be there to make comments, but they would be allowed to be there to observe the application process?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Sharkey.

REP. SHARKEY: (88th)

Through you, Madam Speaker, yes.

DEPUTY SPEAKER ORANGE:

Representative Candelora.

REP. CANDELORA: (86th)

Thank you, Madam Speaker, and I appreciate those answers. I just would want to get some clarification to the process now as this Amendment is going forward without any exemptions to the Freedom of Information Act.

I think overall it is, it's a good concept that makes sense that we should be trying to pursue for projects of regional significance. Having said that, I think that there might be some barriers for

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businesses to put their foot in the water early on in the process because we are basically beginning the public piece of the process at that very moment that they begin the pre-application process.

I recognize that it is wholeheartedly important to have opportunities for public comment and review, but I think that in the long run I'm not sure if we're going to be seeing many businesses utilizing this type of pre-application process because of the lack of balance.

So I'd be interested to see how this progresses in application in the future and it might be something we might want to look at and tweak because frankly, I'm just not sure there's going to be any practical effect to it.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, Sir. Will you care to remark further on the Amendment before us? Will you care to remark further on the Amendment before us?

If not, I will try your minds. All those in favor please signify by saying Aye.

REPRESENTATIVES:

Aye.

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DEPUTY SPEAKER ORANGE:

And those opposed, Nay. The Ayes have it. The
Amendment is adopted.

Will you care to remark further on the Bill as
amended? Will you care to remark further on the Bill
as amended? Will you care to remark further on the
Bill as amended?

If not, staff and guests please come to the Well
of the House. Members take your seats. The machine
will be opened.

CLERK:

The House of Representatives is voting by Roll
Call. Members to the Chamber.

The House is taking a Roll Call Vote. Members to
the Chamber, please.

DEPUTY SPEAKER ORANGE:

Have all the Members voted? Have all the Members
voted? If all the Members have voted, please check
the board to be sure that your vote is properly cast
and the machine will be locked and the Clerk will take
a tally.

And the Clerk will announce the tally, please.

CLERK:

House Bill Number 6466 as amended by House "A".

pat	222
HOUSE OF REPRESENTATIVES	May 12, 2009
Total Number Voting	143
Necessary for Passage	72
Those voting Yea	143
Those voting Nay	0
Those absent and not voting	8

DEPUTY SPEAKER ORANGE:

The Bill passes.

Will the Clerk please call Calendar Number 594.

CLERK:

On Page 25, Calendar Number 594, Substitute for Senate Bill Number 781 AN ACT CONCERNING THERAPEUTIC CONTACT LENSES. Favorable Report of the Committee on Public Health.

DEPUTY SPEAKER ORANGE:

Representative Betsy Ritter, you have the floor, Sir, Ma'am.

REP. RITTER: (38th)

Thank you, Madam Speaker. It's a pleasure to see you up there this evening.

DEPUTY SPEAKER ORANGE:

A pleasure to see you, too, Ma'am.

REP. RITTER: (38th)

Madam Speaker, I move for acceptance of the Joint Committee's Favorable Report and passage of the Bill.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PLANNING AND
DEVELOPMENT
PART 3
696 - 1037**

2009

Thank you, Mr. Chairman.

REP. SHARKEY: Thank you.

Any other questions from members of the committee?

If not, thanks very much --

CAL HEMINWAY: Thank you.

REP. SHARKEY: -- for your testimony.

That actually is the end of our elected officials list, so for those of you in the public that's good news. We're going to start going to our public sign-up list. We'll remind folks that there's a three minute limit on testimony. Obviously, if you're providing written testimony don't feel as though you have to read all of it. If you could just summarize that and we can ask you questions to follow.

Our first member of the public is Shelby Mertes followed by Tim Calnen.

SHELBY MERTES: Hello Chairman, members of the committee. My name is Shelby Mertes. I'm with the Partnership for Strong Communities. The partnership does statewide work on affordable housing, community development, ending homelessness, doing awareness raising, and advocacy. I'd just like to thank you for today's focus on smart growth legislation, because I think that good coordination between these varied land use issues is essential for our economy and our communities.

HB6462
HB6467
HB6588

I would just like to make sure that housing is thought about with regard to three bills that

Connecticut where you might have some density in village centers and a mixed-use setting would encourage developers to build there instead of outlying areas. It's often impossible to completely restrict development, but if you can encourage it with the density you want and where you want it through zoning and infrastructure, that might be a better way to go.

I heard the bell. I'll wrap up very quickly.

H.B. 6588, An Act Concerning Training for Local Land Use Commissioners; we think is a great idea, would foster better land use decisions, and also volunteer commissioners are often out-gunned by developers who can hire a lot of consultants and such. And sometimes land use commissions will put on the brakes to good, sensible development because it's hard to manage the complexity of some of these land use issues, it better empower them to make good decisions. We do have questions or possible concerns about the Subsection C which would allow in court cases the training and expertise of commissioners to be considered. We're not sure exactly how that would play out, and we do know that volunteers are often under a lot of pressure as it is. So to expose them to additional scrutiny in court might discourage some people from serving.

And then also H.B. 6466, An Act Concerning Projects of Regional Significance, which would allow a developer to have a early in the process meeting with state and local agencies and land use boards, to know what they're going to be up against in that development process on a voluntary basis, seems to make sense. Thank you.

Thank you Mr. Chairman.

REP. SHARKEY: Thank you.

Any other questions?

Thanks very much for your testimony.

DANIEL C. KEUNE: Thank you.

REP. SHARKEY: T. J. Zappulla followed by Eric Brown.

T.J. ZAPPULLA: Thank you, Representative Sharkey, Senator Coleman, members of the committee. My name is T. J. Zappulla. And I'm here also with the Connecticut Association of Realtors. And we want to compliment you on the work you've done, you've taken on a big project here, Representative Sharkey. There's a lot of stuff there and we're pleased to be here to support you in a lot of those initiatives.

I'm here to speak a little bit about three of those that you have -- three of those bills that have come out of your working group and one that's come from the Governor. H.B. 6465 we support, that deals with the smart growth when it relates to transportation. We specifically look at some of these things as being able to lend itself to things like location efficiency mortgages, which the government has used -- the federal government has used to promote mixed-use pedestrian-friendly developments close to rail lines and bus lines. And of course, I come from Torrington in the northwest corner, we don't really have any rail lines and very few bus services, but Torrington being the largest community there, when you're talking about regionalization of things can use some of that

HB6466
HB6467
HB6389

stuff. But we still have the old rail lines there that maybe we can start using again for transportation.

We also favor H.B. 6466 and that's the regional planning organizations that you're doing, there's a lot of that kind of stuff going out in a lot of our communities now. It has been mentioned already in regional school districts and health districts, out our way we have emergency shelters that are regionalized, accident investigation through the local police departments is being done. And this, I think, helps to make Connecticut more business-friendly also, which is very good.

H.B. 6467, we'd like to see a couple of things added in there. We -- we do support this but in Section 1, Subdivision 1, Subsection B, we'd like to add the following, "that the adoption of fair and incentive-based methods to finance public services and development and the reduction of the reliance on property tax." And in the following section, Subsection C, instead of "new construction in undeveloped places," we'd like to add the words "while protecting individual property rights, including the freedom to own, use, and transfer real property." We've always been strong advocates of private property rights, as you are very aware.

And then H.B. 6389 is the Governor's proposal on promoting regional -- regionalization and we strongly support that. And her bill does it without increasing taxes which is even better, she provides for incentives there for interlocal agreements on joint services and buying of equipment. Some of our local communities are already doing that also, so you could probably learn a little bit from

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you will, in how we're doing those investments. You're -- I -- so maybe that was misunderstood or maybe misplaced, is that what you're suggesting?

JIFF MARTIN: I'm suggesting that to do it project-by-project would probably be very onerous for that committee as well as for the programs that already have all these checks and balances. But it might be valid to have that body review the process by which projects are selected. A sort of one-time review of, so what are the scoring criteria used for this program or this program, and is that in keeping with smart growth priorities? And that seems reasonable; but since again, this body has never met, they don't even meet monthly, there's been a lot of suggestions about changing the membership but they actually have no -- no pot of money to distribute anyway. It just seems -- it just seems like an incomplete proposal to us right now.

REP. SHARKEY: Okay. All right.

Any other questions from members of the committee?

If not, thanks very much.

JIFF MARTIN: Yes. Thank you.

REP. SHARKEY: Sara Bronin followed by Marty Mador.

SARA C. BRONIN: Hello, Mr. Chairman and the committee. Thank you for having me this morning. My testimony will be short and I've submitted it in writing as well.

By way of a brief introduction, I'm an

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HB 6466
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HB 6464
HB 6465

Associate Professor at the University of Connecticut School Of Law. I teach property and land use and I also research in those areas. I also am trained as an architect and serve as the attorney for the state's 360 State Street Project, which is the largest and greenest project that's currently being built in downtown New Haven.

So just a -- a short note to begin, I was glad to hear that a Smart Growth Task Force has been convened by members of this committee and I applaud your efforts to engage policymakers and experts throughout the state. It would be very easy to aspire to nothing in the current economic climate, so you're moving forward on various initiatives, particularly creating infrastructure for better land use planning is heartening.

So I just have three general comments on the package of bills that are being discussed at this public hearing. My first comment is that Connecticut could really benefit from strengthening regional planning. So House Bill 6585 and 6466 and even Senate Bill 384, which simply adds language that makes regionalism one of the state's priorities, could encourage our 169 municipalities to see themselves as part of a larger and more coherent framework. I recently published a paper about the state's playing a greater role in land use regulation -- I gave you the URL for that paper if you are at all interested -- and based on that research I think there are strong reasons why a state with the geographic, topographic, and urban development characteristics that Connecticut has should consider regional and state initiatives in land use regulation.

My second comment relates to planning for mass transit initiatives, such as those considered by House Bill 6465. Last Friday we held a conference at the Law School -- I think you were all invited -- about rail transit in Connecticut called, "Can Rail Save Connecticut Cities?" The speakers included Department of Transportation Commissioner Joseph Marie, State Representative David McCluskey, and University of Connecticut School Of Engineering Professor Norman Garrick. At our conference we heard a variety of perspectives from these speakers and from the audience, but everyone agreed that the state has to create a more coherent transportation plan which would have as one of its goals stimulating economic development.

My third comment, and again I have written testimony, and I'll just -- I'll close here, is that investments in historic preservation are investments in economic development. There are certain bills here like House Bill 6464, which touch on the topic of preservation. I would encourage this committee to consider both in the bills being heard today and otherwise initiatives that promote and support historic preservation in the state.

REP. SHARKEY: Okay. Thanks very much. I should mention that I'm interested in reading your paper because when I was at UConn Law School and being at the -- taught at the knee of Terry Tondro, who is I think somewhat legendary in the field of land use, I did a study -- I did a report of my own on regional planning organizations at the time, so I'd to be able to read yours and then compare some notes as to how things may or may not have changed in the last -- well, I don't want to

say how many years that's been -- it's been quite a while. So thank you for your testimony and your input.

Are there questions from members of the committee?

If not, thanks very much. I appreciate it.

SARA C. BRONIN: Thanks a lot.

REP. SHARKEY: Marty Mador followed by Tim Hollister.

MARTIN MADOR: Good afternoon, members of the committee. I'm Martin Mador. I'm the Legislative and Political Chair for the Connecticut Sierra Club. I'm here representing our 10,000 Connecticut members concerned about the health of our environment, our economic prosperity, and the quality of life in Connecticut.

Connecticut needs a commitment to smart growth. It needs statewide planning, extensive regionalism, promotion of mass transit as it influences land use, a comprehensive land use approvals process without excessive layers. It especially needs regionalism to eliminate the competition for tax revenues, which results in environmentally damaging land use decisions. It needs effective environmental protection as an integral part of each of these. What we really need most of all is to get rid of the property tax, I don't know quite how to accomplish this, I don't know if that happens in this committee or if finance. I'm a little disappointed that these bills really don't address the fundamental evil, which is our reliance on property tax. But having said

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HB 466

HB 585

HB 467

SB 371

SB 384

HB 465

that, I've selected seven bills from the agenda today that Sierra particularly wishes to endorse.

6464 permits the Face of Connecticut Steering Committee -- and I will read my testimony here verbatim -- to veto grant applications for certain purposes. Eric Brown sort of stole my thunder by using the word before I got to. We are exceptionally concerned about this bill, we think it's going to slow down the process, we're concerned about having enough agency personnel to actually administer this on behalf of the steering committee. And we advise extreme caution about going forward with this bill because of the possibility it will significantly slow down the grant process.

The other bills I'm going to mention very briefly we unconditionally endorse. 6466 introduces the concept of projects of regional significance. The preapplication process to vet their merit seems appropriate to us. 6585 promotes the principle of regional cooperation, we endorse that as well. 6467 is a bill we absolutely love. It has a lot of language in there providing for, among other things, integrated planning, reduction of reliance on property taxes, development of brownfields rather than green fields, and so on. We consider this a priority bill and we're exceptionally pleased at the language in that bill and certainly want to see that one to pass. 371 and 384 authorize the councils of government to consider regional tax sharing, regional delivery of services, and so on. As they enable these key elements of regionalization, we feel these two bills are very important. 6465 incorporates smart growth in capital transportation projects,

which we think is also appropriate -- and I guess I'll stop there.

REP. SHARKEY: Well before -- well done, well done. The only comment that I'd make on your testimony is that I think underlying all of this initiative is the idea that we need to reduce our reliance on the property tax. So that by creating a diversity of revenue streams for towns and cities as -- in exchange for their willingness to work on regional solutions, which in turn will help save them money, that's really the bigger picture. We're not saying the word "property tax" in a lot of these bills, but clearly that's the underlying principle.

MARTIN MADOR: Well, these bills are sort of edging away from property tax very gently. It's not confronting the issue head on, and our feeling is we have got to look at raising revenue at the state level while simultaneously reducing our reliance on the property tax. We have to do this and we have to do those two things on the same day and that's the problem. This helps, but it doesn't address the fundamental underlying problem of the reliance on property tax.

REP. SHARKEY: Okay.

MARTIN MADOR: It is good stuff and we endorse it, but we don't think it's enough.

REP. SHARKEY: Okay.

Are there other questions?

Representative Drew.

REP. DREW: Thank you, Mr. Chairman.

Hello, Mr. Mador. Thank you very much for being here and your thoughtful comments. Do you know if there's any states that you can think of that are -- that have kind of a -- that don't rely on the property tax, who are -- have made a movement to minimize or reduce their reliance on property tax that you would see, if not as a model, then at least something to look at that has made better progress?

MARTIN MADOR: I wish I could give you a good answer to that. The fun part of about seeing Sierra Club is we get involved in a very wide range of issues, the problem is that we become real experts in very, very few of them. I don't have enough to really answer your question, I do know certainly that we're one of the most reliant on property taxes in the country. But I -- I don't have substantive information to give you as an answer to your question unfortunately.

REP. SHARKEY: Okay.

Are there any other questions from members of the committee?

If not, thanks very much.

MARTIN MADOR: Thank you.

REP. SHARKEY: Next Tim Hollister, followed by Mark Paquette.

TIMOTHY S. HOLLISTER: Thank you, Senator Coleman, Representative Sharkey and committee members. I am Tim Hollister, a very old land use attorney.

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works.

REP. SHARKEY: Okay. Good. We've heard that often.

RAPHAEL L. PODOLSKY: Thank you. I'd be happy to answer any questions I could.

REP. SHARKEY: Thank you.

Any questions from members of the committee?

If not, thank you. I appreciate it.

RAPHAEL L. PODOLSKY: Thank you very much.

REP. SHARKEY: Heidi Green followed by Carlene Kulisch.

HEIDI GREEN: Good afternoon, Senator Coleman, Representative Sharkey, members of the committee. For the -- my name is Heidi Green. I'm the President of 1000 Friends of Connecticut, 1000 Friends is a statewide smart growth education and advocacy organization.

HB 5544 HB 6387
HB 6389 HB 6463
HB 6464 HB 6465
HB 6466 HB 6467
HB 6469 HB 6585
HB 6589 SB 371

First I would like to echo the comments of many speakers who have come before you in thanking the committee for raising these bills and -- and for the -- the Smart Growth Working Group and the work that you -- that you all did on the Smart Growth Working Group. This -- this batch of bills is bold and it's comprehensive and -- and you're doing a really fine thing by not just bringing them up, but also by stewarding them as they go forward.

In the past the policy changes represented here would have been considered good ideas, but given the current economic crisis it's now imperative that Connecticut coordinate

government better, strengthen our regions, modernize our zoning policies, and focus development in our cities and downtowns. Critics of better coordination and tighter screening will and have said that -- that that would slow approvals or increase costs or leave our -- that they -- they want their programs left alone. Smart growth reforms are about improving outcomes, if the status quo were working, we wouldn't be losing forests, farmlands, and our competitive edge. No longer can we afford pet projects or pork that failed to meet our smart growth goals. We must strategically target limited state resources.

By strengthening and empowering regions, targeting new grants and loans, modernizing land use, and streamlining approvals, we will revitalize our cities, preserve the charm and uniqueness of our state, and build a sustainable, competitive economy to protect our -- and protect our natural resources for future generations. I urge you not just to support the smart growth package but to champion it. The future of Connecticut is in your hands. You have specific comments about bills in my written testimony, but I'm happy to answer any questions now or as you go forward.

REP. SHARKEY: Great. Thanks. What do you think about the testimony that we received from Jiff Martin and Working Lands about the advisability of having the Face of Connecticut Steering Committee not do project-by-project reviews, to ensure consistency in our overall planning for those types of projects?

HEIDI GREEN: Well I -- I think clearly we need to have project-by-project reviews done, looking

at how projects done match smart growth criteria. Her -- and -- and I think that that should include economic development projects, which was not specified in -- in any of the bills. Should the Face of Connecticut Steering Committee do it? I don't really have an opinion about who should do it. I think that it could -- it could well be done by the Responsible Growth Steering Committee which is -- was created in Executive Order 15 by the Governor. It's a steering committee that is made up of the -- the commissioners of the agencies and their goal really is to coordinate responsible growth for the state.

That doesn't get to CCM's concern about having municipal folks at the table but -- but it may -- it may satisfy the -- the condition of breaking down silos, and having a more -- a more comprehensive look at -- at projects. Accountability and transparency are a concern and so, you know, it's very difficult to find out what the Responsible Growth Steering Committee is up to. So we would want to have more transparency if that were to be the case.

REP. SHARKEY: Right. And one of the advantages of you being further down on the list of speakers is that you've been able to hear what others have said, so I'll ask your thoughts on some of these things. A couple of the other bills that have been -- that are also on the agenda that are not the product of the Smart Growth Working Group are in some ways going a little bit further. There is one bill that actually would call on councils of government or RPOs to play a role in regional taxation and get into those kinds of issues. We I think, had some hesitance about diving into that because of issues of governance of -- you know, the legalities of who can be raising and levying

taxes, and maybe we should be leaving that to the towns -- to the status quo. Do you have thoughts about that aspect?

HEIDI GREEN: We certainly do. In -- in 2007, 1000 Friends of Connecticut released a document called, "Developing Connecticut's Economic Future." And in that document we suggested that -- that regions or regional entities that met certain statutory requirements, and among those statutory requirements were revenue sharing for economic -- for new economic development and new high-end housing development -- or sharing of -- of other, you know, economic development, land use, transportation, we mentioned education, that those regions be given a portion of the sales tax generated in the region; so that they be -- did we -- we did not specifically talk about the hotel tax or levying taxes. I think that we would be supportive of -- of having a local option tax on a regional basis provided that there was -- the region really represented a -- a significant portion of the population in the region. I think what we want to move away from is fragmentation and -- and fractured government, and having -- so allowing two small towns or two, you know -- two or three towns together to raise a local option tax, we don't think would move us either away from reliance on the property tax or towards better land use, more coordinated economic development.

REP. SHARKEY: Okay.

HEIDI GREEN: So that's sort of answered on both sides.

REP. SHARKEY: Right. Sure. And I guess the -- and the other question that I was interested

in getting some comments on was the issue of the degree to which the state should be sort of defining what a regional project or program should be. Whether we should be sort of imposing a sense of where we want to go onto regions which they can choose to adopt or not adopt? Or should we really try to keep this a little bit more -- or really almost fully discretionary to the regions, with the exception of the -- of the requirements in the bill under An Act Concerning Regionalism, where we ask -- well we tell regions you have to establish yourself as an economic -- a federal economic development district, you have to agree to not compete with each other for new development, and you have to adopt a revenue sharing program, and then do a number of other things that you can decide on your own as to scale, scope, some of which have to be municipal, some which have to be in the education field. Is that -- do you -- from your perspective, is that a better approach or do you think we should be a little bit more -- should we be defining those initiatives a little bit more clearly for regions in telling them what we want them to do?

HEIDI GREEN: Well I think that -- that from the perspective of all of the citizens of the state of Connecticut and not the individual municipalities of the state of Connecticut, it -- in this bill you also say that you will give economic incentives or you will give, you know, grants or -- or significant state resources to the regions that adopt these policy changes. If state resources are given to regions, then the regions really should be doing a "heavy lift." You know, they should be reaching, and I think that it is safe to assume that if it's -- if the agreements are negotiated on a town-by-town basis, you will

have, as Lyle said, "onesie twosie" kind of stuff. You know, it -- it isn't in the nature of cities and towns to -- to reach for tough stuff if it's not -- if it's not clearly in their immediate benefit. So I would say that -- that -- it is really incumbent upon you to do the harder thing and to tell them what would make them eligible, instead of asking them what they think should make them eligible.

REP. SHARKEY: Okay. I guess the -- obviously the philosophical question there is, you know, the push back that we're going to get from regions who are going to say, hey you're telling us what to do.

HEIDI GREEN: Well, you're giving them money.

REP. SHARKEY: Right.

HEIDI GREEN: You're not just telling them what to do, you are telling them what they need to do to get your money.

REP. SHARKEY: Right.

HEIDI GREEN: That's completely reasonable.

REP. SHARKEY: I guess -- you're right. And I guess the issue too is not everything is -- lends itself to say, in the Greater Hartford area, a 29 town solution. Not everything can be done on a 29 town basis, whereas some things can be done on a six or seven or eight town basis, in pockets around the region.

HEIDI GREEN: Uh-huh.

REP. SHARKEY: So I'm in the -- there's a little bit of a balancing act there as far as, it

seems to me, as to how heavy-handed we really can be and is it counterproductive? Because if we're insisting that everything has to be over on 39 towns and you have to pursue those initiatives or you're not going to get anything, maybe a little bit too much on the other end, it maybe a little too heavy-handed and not realistic, because nothing -- not many things can actually occur on a totally a regional basis.

HEIDI GREEN: When we made the recommendations in the report that we released last year, our recommendations were that -- that 75 percent of the people in the region would need to be represented. So -- so it -- it did sort of -- and -- and I think that actually the selection of things that are in the bill that -- that towns would have to do together or regions would have to do to be eligible is a reasonable selection. It doesn't say specifically what other than, you know, doing a comprehensive economic development strategy and doing so many, you know, of this kind or that kind of cooperative agreements. So I think it lends flexibility, but it also says we want you to be really working together and governing together.

REP. SHARKEY: So would you recommend any changes to that language at this point, do you think? Or do you think it's as written it gets to the point, as opposed to -- or do you think we should maybe make some changes to try to push it a little bit further?

HEIDI GREEN: I -- let me go back and -- and look at it and talk to some my people and...

REP. SHARKEY: Okay. Have your people call my people.

HEIDI GREEN: I'll have your -- yeah.

REP. SHARKEY: Okay.

Are there questions from members of the
committee?

Representative Drew.

REP. DREW: Thank you, Mr. Chairman.

Heidi, how are you?

HEIDI GREEN: I'm well, thanks.

REP. DREW: Thank you so much for being here. I
don't have a question, I just want to thank
you for your leadership -- your long-term
leadership and, you know, really being the
point person on this in so many ways. And I
want to acknowledge and thank your
organization, 1000 Friends of Connecticut and
all its terrific supporters for their terrific
work they've done and, you know, it's a
testament to individual leadership, I think.
So thank you.

HEIDI GREEN: Thank you. That's very nice.

SENATOR COLEMAN: Are there other questions for
Heidi?

If not, thank you so much for your testimony.

Next on our list is Carlene Kulisch to be
followed by David Sutherland.

CARLENE E. KULISCH: Good afternoon, Chairman
Coleman, members of the Planning and
Development Committee. I am Carlene Kulisch

HB6464



STATE OF CONNECTICUT
OFFICE OF POLICY AND MANAGEMENT

Planning and Development Committee

March 2, 2009

Testimony of
W. David LeVasseur, Under Secretary
Intergovernmental Policy Division
Office of Policy and Management

Regarding Various Responsible Growth Proposals

Good morning Senator Coleman, Representative Sharkey, and distinguished members of the Planning and Development Committee. Although I had hoped to appear before you today, I am unable to do so. However, I appreciate the opportunity to submit this testimony as Office of Policy and Management (OPM) Secretary Robert L. Genuario's designee to oversee the Office of Responsible Growth that Governor M. Jodi Rell established in Executive Order 15

First of all, we are pleased that you have placed a high level of importance on regional initiatives and inter-municipal cooperative efforts. As you know, Governor Rell has also placed a high priority on both of these issues and has made them a cornerstone of her budget this year. Additionally, we are pleased that this Committee has also continued to place such a high importance on Responsible Growth, which is consistent with Governor Rell's leadership on this important issue.

With regard to Raised Bill 6463, An Act Concerning Membership on Regional Planning Agencies, we applaud the fact that this Committee has recognized the importance of the participation of municipal chief elected officials in the operation of Connecticut's fifteen (15) Regional Planning Organizations. It is unclear, however, whether this Committee intended for said officials to be members of the same group as the other agency representatives or whether the chief elected officials should constitute a separate and distinct group in each of the regions. I would hope that the Committee would adopt the latter view, rather than the former, as I believe the interests and general expertise of the chief elected officials do not align well with those of the regular representatives in the regions.

With regard to Raised Bill 6464, An Act Concerning Coordinated Preservation and Development, again, I believe that this Committee wisely has seen the virtue of having a group of diverse stakeholders provide input into specific types of projects. However, as I believe that a more proper role would be as an advisory group, as opposed to a group that actually directs the expenditure of funds and approves or denies grant applications, I request that you amend the statute accordingly. The advisory model has worked extremely well and I would cite the success of the Natural Heritage, Open Space and Watershed Land Acquisition Review Board, which has provided advice to the Commissioner of the Department of Environmental Protection since 1998 on the expenditure of state funds for the permanent protection of open space.

On Raised Bill 6465, An Act Concerning Smart Growth and Transportation Planning, we have two concerns. First, not all transportation spending is on new projects for which a Smart Growth review is

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SB 384
HB 5548

appropriate. In fact, a significant portion of ConnDOT's budget is spent on repairing or replacing existing infrastructure. As we all know, a "fix it first" strategy is an important component in assuring that our existing infrastructure remains in use and towards that end, a Smart Growth review process would be neither germane nor appropriate. Second, we are not convinced that the Transportation Strategy Board is the appropriate body to conduct a Smart Growth review. Instead, we believe that any such review would be more appropriately conducted at OPM.

Raised Bill 6466, An Act Concerning Projects of Regional Significance, is important not only because it allows Regional Planning Organizations to establish a voluntary process for applicants to request a pre-application review of projects of regional significance, but also because it provides a statutory definition for proposed projects of regional significance. We applaud and endorse this and any initiative that provides opportunities for Regional Planning Organizations to better coordinate planning and implementation efforts on a regional basis.

As to Raised Bill 6467, An Act Concerning Smart Growth and Plans of Conservation and Development, this Committee rightly recognizes the need for consistency between local Plans of Conservation and Development and the State Plan of Conservation and Development. However, we have concerns regarding the October 1, 2009 effective date of the proposed legislative changes and how that may interface with those municipalities that may be in the process of currently reviewing and revising their local Plans of Conservation and Development.

In addition, requiring towns to assure consistency with the State Plan will undoubtedly raise the cost of the statutorily required ten year review. At this time, when municipalities are already having trouble balancing their budgets, I would hate to see legislation adopted that would make it more expensive for towns to conduct their reviews. This may inadvertently serve as a financial disincentive to towns in terms of either postponing or refusing to conduct the review. This would also constitute an additional unfunded mandate on municipalities and would run counter to the Governor's emphasis this year on relief from unfunded mandates. We would hope that this Committee would reconsider the effective dates for these sections and postpone them until October 1, 2012.

Raised Bill 6469, An Act Concerning Smart Growth and State Planning, calls for a tax incidence study, a state-wide build-out analysis and a statewide geographic system mapping project. While all of these are important to effective long range planning efforts, it is unlikely that the state will have the assets to fund these projects with the projected deficits over the next two fiscal years. Accordingly, as was the case with Raised Bill 6467, we would hope that the Committee would postpone these projects until such time as the State of Connecticut recovers from the current fiscal crisis.

Raised Bill 6585, An Act Concerning Regionalism, provides a mechanism for municipalities to promote regional economic development and share revenue voluntarily.

While again, any efforts that promote regional cooperation should be encouraged, we are concerned that municipalities may not avail themselves of the opportunities under this bill as they each struggle to maintain their individual revenue streams. Additionally, with declining state revenues from all sources, it is unlikely that the state can afford to give up one sixth of its sales tax revenue until the current economic climate is reversed. Again, we would ask that the Committee consider postponing the effective date of various sections of this bill until the current economic crisis is resolved. We are also concerned that not all regions of the state are located in federal economic development districts and that Regional Planning Organizations do not all have the same level of involvement in creating the boundaries of or participating in these districts. We believe that they should be involved and that the boundaries should mirror the boundaries of the Regional Planning Organizations, or combinations thereof. Finally, we would ask that the same powers conferred on Councils of Elected Officials under Section 5 of the bill be extended also to Regional Planning Agencies and Regional Councils of Government.



HOME BUILDERS ASSOCIATION OF CONNECTICUT, INC.
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March 2, 2009

To: Senator Eric Coleman, Co-Chairman
 Representative Brendan Sharkey, Co-Chairman
 Members of the Planning & Development Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: Raised Bill 6466, AAC Projects of Regional Significance

The HBA of Connecticut is a professional trade association with almost one thousand, three hundred (1,300) member firms statewide, employing tens of thousands of Connecticut citizens. Our members are residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to this diverse industry. We also created and administer the Connecticut Developers Council, a professional forum for the land development industry in the state.

The HBA of Connecticut has questions regarding RB 6466 and cannot support it without clarifying amendments. We also question the threshold for "projects of regional significance."

Pre-application meetings with regulatory agencies are usually good recommended land development practices. These meetings can result in addressing regulatory and public concerns prior to an application being submitted. Thus, the process of review and decision can be smoother and with less delay. However, the legislation must be amended to clarify or add several necessary provisions dealing with pre-application meetings.

Pre-application meetings should be at the applicant's request, not the RPA's. As written, the bill authorizes RPAs to request a meeting and states it is a "voluntary process for applicants" but the bill should state that such meetings would be at the applicant's request, so the applicant controls the initiation of the process. We believe this is critically important because for various strategic or proprietary reasons a particular applicant may not want to "show their hand" prior to filing a formal application. For precedence in our statutes, see section 7-159b, the pre-application review process at the local level. The key wording of sec. 7-159b is "at the applicant's request" at the end of the first sentence.

RB 6466 should make clear, as does sec. 7-159b, that any results or information obtained at such pre-application review meetings shall not be binding on the applicant or the agencies and commissions involved. RB 6466's language in section 1(c) falls short in this regard. For example, prohibiting information reviewed at a pre-application meeting from being "considered" by any "relevant" agency in subsequent deliberations seems to set up an impossible conflict if such information is then submitted with the actual application. Of course, in that instance it should be considered.

Testimony, Home Builders Association of Connecticut, Inc.
RB 6466, AAC Projects of Regional Significance
March 2, 2009, page 2

The language should include, as does sec. 7-159b, "or authorized agent" after commission on line 16 so that it is made clear that pre-application meetings can be conducted by municipal staff or consultants and do not have to be conducted by the board members themselves, who are appointed or elected volunteers.

The bill should be amended to require that any report of the RPA at lines 24-26 be filed pursuant to statutory timelines applicable to applications, such as those contained in section 8-7d of the general statutes.

As for "projects of regional significance," on the one hand, we suggest that the series of thresholds in the bill are far too low and they need further clarity. On the other hand, a pre-application review process that involves both local and state regulatory agencies could be beneficial for many developers falling below even these low thresholds.

We would suggest that "projects of regional significance" be deleted from the bill since it is not necessary to set up a pre-application review process. Such a process, as amended by the suggestions made above (e.g., one that is at the applicant's request, is non-binding, and could include a commission's agents) is appropriate on a wider scale and should not be limited to projects of regional significance.

As for defining projects that have a regional significance, a development of 50,000 square feet can be a relatively small retail, commercial or industrial building, or for that matter only 15 homes at 3,333 sq. ft. or 20 homes at 2,500 sq. ft. Most such developments do not have a regional impact, significant or otherwise. Therefore, the threshold for regionally significant projects should be larger and this square foot criteria should be made clear that it applies to "nonresidential development" at line 11.

The residential threshold of 100 housing units should also be set higher to be deemed a project of regional significance. We submit that many housing developments of this size located in larger urban and suburban areas or not near the border of a municipality do not have a regionally significant impact. We assert the same for many proposals that require only 200 parking spaces, especially when parking requirements are highly variable among our 169 municipalities for the same projects.

In summary, the process of pre-application reviews can be useful but RB 6466 must be amended in several respects to make it work and protect the rights of both applicants and regulatory bodies. Moreover, the process should be applicable to any development applicant and, therefore, the concept and definition of "projects of regional significance" is not necessary and should be removed from the bill. If it is to remain, the thresholds should be made much higher to truly address regionally significant projects.

Thank you for the opportunity to comment on this legislation.



Bart Russell, Executive Director
Connecticut Council of Small Towns (COST)
Testimony before the Planning & Development Committee
March 2, 2009

- **HB-6466, AN ACT CONCERNING PROJECTS OF REGIONAL SIGNIFICANCE**

The Connecticut Council of Small Towns (COST) *supports* ***HB-6466, An Act Concerning Projects of Regional Significance***, which requires each regional planning organization to establish a voluntary pre-application review.

This review process will facilitate the development of regional projects by outlining the criteria and standards for review the outset of the project. It will also allow applicants to receive preliminary feedback on the project and an opportunity to discuss the project with agency representatives. This will ensure that applicants understand any issues concerns regarding the project and will give them an opportunity to address these concerns to move forward with the project. Creating a transparent pre-application review process will go a long way toward fostering regional cooperation.

Thank you for the opportunity to testify. Please contact me at 860-676-0770 if you have any questions.



WINDHAM REGION COUNCIL OF GOVERNMENTS

Chaplin Columbia Coventry Hampton Lebanon Mansfield Scotland Willington Windham

Chairman Coleman
Chairman Sharkey
Members of the Planning & Development Committee

March 2, 2009

RE: Testimony for Smart Growth Legislative Package
HB 6466 - AN ACT CONCERNING SMART GROWTH AND PLANS OF CONSERVATION
AND DEVELOPMENT.

Dear Chairman Coleman and Chairman Sharkey, and members of the Planning and Development Committee,

The Windham Region Council of Governments (WINCOG) is writing in support of legislation regarding **Projects of Regional Significance** as noted in HB 6466.

To authorize regional planning organizations to establish a voluntary pre-application review process for projects of regional significance is a significant but much needed change. The pre-coordination of efforts amongst all parties will lead to a more efficient regulatory process.

Thank you for your consideration in moving this bill forward.

Sincerely,


Mark N. Paquette
Executive Director, WINCOG

cc: WINCOG Board of Directors

Public Hearing, Planning and Development Committee, March 2, 2009

My name is Bill Cibes. I formerly served in the legislative and executive branches of state government, and in higher education. More recently, I was appointed by Speaker Chris Donovan to serve on the Governor's Task Force on Responsible Growth, which reported to the General Assembly in February 2008, and am currently the chair of the advisory board of HOMEConnecticut, a member of 1000 Friends of Connecticut and a member of a rather loosely organized group of civically-involved citizens called the Blueprint Coalition (see www.ctblueprint.org).

I first want to praise this committee for raising a number of bills recommended by a Smart Growth Task Force. You deserve great credit for recognizing, as the language of HB 6467 states, the "high financial, social and environmental cost of sprawl development."¹

In order to achieve the long-term quality of life for current and future generations in Connecticut, it is absolutely essential that we enhance – some would even say, restore – our ability to compete in a global marketplace. Our future quality of life – the "prosperity for all" which the Blueprint Coalition says should be the vision for Connecticut's future – demands that we leverage the key assets of innovation, human capital, infrastructure, and quality of place – as scholars at the Brookings Institution have argued.² Certainly a major barrier to achieving quality of place, and hence international competitiveness, is the sprawl which continues unabated in Connecticut.

- Failing to modify land use rules that require large lots for residential uses spreads out the population and significantly raises the costs of housing and transportation.
- Failing to locate people close to jobs and shopping, or close to energy-efficient modes of transporting them back and forth, frustrates our ability to conserve energy, reduce harmful emissions and avoid environmental degradation.
- Sprawl also drastically raises the cost of infrastructure – such as roads, schools and public safety protection – necessary to service the needs of our people.³
- Because only relatively affluent residents can afford to pay these extra costs, sprawl encourages segregation by income, and indeed makes some essential elements of prosperity unaffordable to large segments of the population.
- Sprawl both encourages and is enhanced by interlocal competition for grand list growth, exacerbating the dysfunctional aspects of an inequitable property tax structure.

HBs 6463, 6464, 6465, 6466, 6467, 6469, 6585, 6588 and 6589 are all important steps toward the goal of smart growth to foster competitiveness. I'm sure you recognize that

¹ To re-enforce your point, CERC reported in 2007 that just between 1988 and 2006, Bridgeport lost 22,894 jobs (from 1988's total of 67,820), New Haven decreased from 90,240 jobs to 76,395, and the number of jobs in Hartford went from 158,600 to 115,574 – a loss of 43,026. Many of these jobs went to outlying communities, increasing the cost of commuting, requiring additional investment in infrastructure, encouraging the dispersal of housing, and decreasing the vitality and viability of the city which experienced the loss. It is almost an understatement to say that the "financial, social and environmental cost" was "high."
² See www.brookings.edu/events/2007/1106blueprint.aspx Click on "transcript."

³ To put these latter points another way, sprawl complicates the task of providing the connectivity of information, goods and people which David Osborne and Peter Hutchinson say is a key to economic success in the Information Age. (The Price of Government, pp. 57-58)

they are but *first* steps, but they are valuable ones, and in general they do not damage the potential for taking further steps in the future, nor undercut progress already made.

HB 6467, AAC Smart Growth and Plans of Conservation and Development, which directly addresses the issue of sprawl, is a key part of this package. I would accordingly recommend that you look carefully at the language of this bill, especially Sections 1 and 2. In order to improve the clarity of the critical policy which you declare here, please consider some modifications to the language of the file copy, as set out below:

Section 1. (NEW) (*Effective October 1, 2009*) As used in sections 2 and 7 of this act and sections 16a-27 of the general statutes, as amended by this act, 8-23 of the general statutes, as amended by this act and 8-35a of the general statutes, as amended by this act, "smart growth" means economic, social and environmental development that [(1)] uses land and resources to enhance the long-term quality of life for current and future generations in the state; and "principles of smart growth" means standards and objectives that support and promote smart growth when used to guide actions and decisions. These standards and objectives include but are not limited to [and promotes] (A) integrated planning that coordinates tax, transportation, housing, environmental and economic development policies at the state and local level, (B) the reduction of reliance on the property tax by municipalities by creating efficiencies and coordination of services on the regional level while reducing interlocal competition for grand list growth, (C) the redevelopment of existing infrastructure and resources, including brownfields and historic places, instead of new construction in undeveloped places, (D) transportation choices that provide alternatives to automobiles, including rail, bikeways and walking, while reducing energy consumption, (E) the development or preservation of workforce or affordable [and available] housing through densities that reduce sales prices or rents, in locations proximate [for mixed income households in close proximity] to transportation and employment centers or in other eligible locations, as defined in Section 8-13m of the General Statutes, (F) concentrated, mixed-use development around transportation nodes and civic and cultural centers, and (G) the conservation and protection of natural resources by preserving open space, farmland and historic properties and furthering energy efficiency[; and (2) is accomplished by a collaborative approach to planning, decision-making and evaluation between and among all levels of government to promote economic competitiveness in the state while preserving natural resources].

Sec. 2. (NEW) (*Effective October 1, 2009*) The General Assembly declares that it is the policy of the state to address the high financial, social and environmental cost of sprawl development by incorporating the principles of smart growth in any revisions of statutorily required plans⁴

⁴ Let me just add my support for well-executed strategic planning, which is encouraged by these bills. Thinking and acting with strategic and long-term perspective is vital to achieving Connecticut's vision for the future. Strategic planning enables proactive governance. Strategic planning helps avoid the cost of bad results, which stems from reactive governance, or "dnft," in which there is no decision-making at all. Strategic planning when done well facilitates adaptation to changing environments. Strategic planning

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Connecticut Chapter of the American Planning Association

Government Relations Chairman Christopher S. Wood, AICP
 Phone 203 558-0654 woodplanning@charter.net www.ccapa.org

March 2, 2009

PLANNING AND DEVELOPMENT COMMITTEE

SMART GROWTH LEGISLATIVE PACKAGE – CCAPA COMMENTS

OVERVIEW

The Smart Growth Working Group spent nearly a year analyzing growth management issues and developing this package of legislative proposals to improve the State's response to the need for and potential impacts of continued growth. CCAPA has closely monitored this effort and strongly supports legislative proposals that promote smart planning for responsible growth management.

Our over 550 members – municipal and consulting planners, land use attorneys, citizen planners, and other professionals – are on the front lines of planning and managing land use at local, regional, and State levels. We are committed to assisting the legislature and State agencies with developing and furthering responsible growth management principles. We recognize that providing the necessary tools for smart planning at all levels is essential for dealing with the opportunities and challenges of continued growth, even more so under today's economic climate.

SUMMARY

These bills address a wide range of land use planning issues that are of professional interest to CCAPA members. CCAPA appreciates the efforts of the Smart Growth Work Group in developing this package. While we cannot support all of the specific bills as currently drafted, as detailed below, CCAPA has been and will be available to assist the Planning and Development Committee, its staff, and other interested parties in the development of improved planning guidelines to promote responsible growth in our State.

ANALYSIS

H.B. 6463 An Act Concerning Membership on Regional Planning Agencies

CCAPA supports the concepts promoted by this bill provided that the final language specifies that CEO membership is in addition to current representation.

H.B. 6589 An Act Concerning Land Use Appeals

CCAPA strongly supports this logical and appropriate approach to expediting legal challenges to land use decisions and we recommend that the Committee seek input from practicing land use attorneys.

HB6464
 HB6465
 HB6466
 HB6585
 HB6389
 HB6588
 HB6467
 HB6469

SMART GROWTH LEGISLATIVE PACKAGE – CCAPA COMMENTS

H.B. 6464 An Act Concerning Coordinated Preservation and Development

This proposal would assign responsibility for review of certain State funding programs to the Face of Connecticut Steering Committee for consistency with the smart growth definition proposed by H.B. 6467. It is not clear how the programs listed are not inherently consistent with responsible growth management principles and what an additional review will accomplish. As CCAPA has previously recommended, these and similar decisions should properly be evaluated under the same “priority funding areas” criteria that are being developed in the next State Plan in accordance with CGS §16a-27 as amended by PA 05-205, An Act Concerning Plans of Conservation and Development. Finally, it is clear that the Face of Connecticut Steering Committee, or its member agencies, will require additional funding to conduct the necessary reviews.

H.B. 6465 An Act Concerning Smart Growth and Transportation Planning

CCAPA does not support this proposal based on the proposed definition of smart growth in H.B. 6467. CCAPA agrees that transportation planning should also consider and include growth management principles. However, the proposed smart growth definition may not be as effective as necessary in promoting smart planning for transportation and growth management generally. CCAPA supports the concept of ensuring that all State level planning is based on smart planning, consistent with the overall State Plan goals and the statutory growth management principles currently in CGS §8-23.

H.B. 6466 An Act Concerning Projects of Regional Significance

CCAPA does not support this concept as drafted. Although this bill proposes a voluntary program of regional planning organization review of certain development projects, the criteria for identifying those projects requires further consideration. From a planning perspective, a 50,000 square foot supermarket or electronics store is hardly significant regionally and additional levels of review may unfairly burden such relatively small developments in cities. A more relevant criterion may be the expected vehicle trip generation for large scale projects. Furthermore, it is unlikely that RPOs would have the resources to initiate such reviews and reports even if current State funding levels are retained.

H.B. 6585 An Act Concerning Regionalism

This bill appears to add an incentive for municipalities to implement joint provision of services as currently authorized by CGS §7-148cc, adopted in 2001. Assuming fiscal incentives are assured, CCAPA supports this concept as promoting smart planning.

H.B. 6389 An Act Promoting Regionalization

This proposed bill would create incentives, in the form of grants, for towns to implement the interlocal agreements authorized by CGS §7-148cc. As noted in comments on H.B. 6585, CCAPA supports this concept as promoting smart planning.

H.B. 6588 An Act Concerning Training for Local Land Use Commissioners

CCAPA has long supported efforts to ensure training for volunteer citizen planners and regulators and believes that CLEAR has demonstrated its effectiveness in this task. CCAPA strongly supports the provision of adequate resources for such training. However, any such programs should recognize the difficulty towns face in attracting sufficient numbers of volunteers, and avoid any provisions that discourage such volunteers. The requirement in this bill that a reviewing court must consider the training and expertise of commissions would seem to create just such a disincentive.



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March 2, 2009

Senator Eric D. Coleman, Co-Chair
Representative Brendan Sharkey, Co-Chair
Planning and Development Committee
General Assembly
Legislative Office Building
Room 2100
Hartford, CT 06103

Re: Comments on Raised Bills 6467, 6466, and 6588

Dear Senator Coleman, Representative Sharkey, and Members of the Planning and Development Committee:

This letter comments on:

- Raised Bill 6467 Smart Growth and Plans of Conservation and Development
- Raised Bill 6466 Projects of Regional Significance
- Raised Bill 6588 Training for Local Land Use Commissioners

I have practiced land use law in Connecticut for 27 years

March 2, 2009
Page 3

In order to harmonize HOMEConnecticut and other workforce and affordable housing programs with this smart growth definition, the following language should be substituted:

"(E) development or preservation of workforce or affordable housing through densities that reduce sales prices or rents, including in locations proximate to transportation or employment centers. . . ."

Lastly, in the definitions section of this bill, is the intention that a development, to qualify as smart growth, must meet all of the listed criteria, or just one or more?

Raised Bill 6466

In Section (b), the phrase "all relevant municipal, regional and state agencies" should be revised to "all municipal, regional and state agencies with jurisdiction over the proposal. . . ." "Relevant" is unclear; only agencies with jurisdiction should participate; and agencies should not decide unilaterally and regardless of statutory authority whether they are "relevant."

Subsection (c), proposing that information provided during a workshop is not subject to Freedom of Information Act disclosure and "shall not be considered" in later proceedings is (a) contrary to the letter and spirit of the FOIA and open government; (b) unworkable in that one cannot present information regarding a permit application to public officials and expect it to be secret or confidential; and (c) as written, the bill makes information, once submitted preliminarily, unusable thereafter. The better way to handle this is for applicants to stamp their materials "preliminary."

Raised Bill 6588

Subsection (c), directing judges to "consider the training and expertise of the local land use commissioners," should be deleted. Training is commendable and should be required, but well-trained commissions are just as capable of making illegal or unsupported decisions as untrained commissioners. Moreover, directing a judge to "consider" training without any direction as to how he or she should do so as a legal matter will generate confusion and needless litigation.

Thank you.

Very truly yours,

Timothy S. Hollister



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Planning and Development Committee

March 2, 2009

Testimony of Martin Mador

In Support of

HB 6466 An Act Concerning Projects of Regional Significance

HB 6585 an Act Concerning Regionalism

HB 6467 an Act Concerning Smart Growth and Plans of Conservation and Development

SB 371 an Act Concerning Intermunicipal Cooperation

SB 384 an Act Concerning Regionalism

HB 6465 an Act Concerning Smart Growth and Transportation Planning

In Guarded Support of

HB 6464 an Act Concerning Coordinated Preservation and Development

I am Martin Mador, 130 Highland Ave., Hamden, CT 06518. I am the Legislative and Political Chair of the Connecticut Sierra Club, and am here today representing our 10,000 Connecticut members concerned about the health of our environment, our economic prosperity, and our quality of life. I possess a Master's of Environmental Management degree from Yale.

Connecticut needs a commitment to smart growth. It needs statewide planning, extensive regionalism, promotion of mass transit as it influences land use, a comprehensive land use approvals process without excessive layers. It especially needs regionalism to eliminate the competition for tax revenues which results in environmentally damaging land use decisions. It needs effective environmental protections as an integral part of each of these.

HB 6464 permits the Face of CT Steering Committee to veto grant applications for certain purposes if they feel they do not conform to smart growth principles. While laudable on its face, Sierra is concerned that this adds an additional layer of bureaucracy to the approvals process for these grants. Given the current and projected shortage of agency staff, this could add considerable delay to the grant process. If the smart growth principles used were not carefully and precisely defined, this could add considerable uncertainty to the process. Sierra lauds the goals of this bill, but is concerned about whether the ultimate effects on such priorities as preservation of open space will be as desired by the proponents.

HB 6466 introduces the concept of projects of regional significance, and defines a pre-application process to vet their merits early in the process. Sierra strongly endorses this bill.

HB 6585 promotes the principle of regional cooperation. It authorizes regional economic development, including tax sharing and regional considerations in the Plans of Conservation and Development, and instructs regional Councils of Government to facilitate these agreements. Sierra strongly endorses this bill.

HB 6467 installs smart growth as the concept of choice for addressing land use in the state, and provides a multi-faceted definition which includes, among other priorities, integrated



1000 FRIENDS of Connecticut
 PO Box 1988 • Hartford, CT 06144-1988 • 860 523 0003 • www.1000friends-ct.org

PRESERVING, CONSERVING AND GROWING SMART

Testimony to the Planning and Development Committee

March 2, 2009

Senator Coleman, Representative Sharkey, and members of the Planning and Development Committee, thank you for the opportunity to speak with you today. For the record, my name is Heidi Green. I am the President of 1000 FRIENDS of Connecticut, a statewide smart growth education and advocacy organization. Our mission reflects the vision of thousands of individuals and organizations statewide to promote and shape growth throughout Connecticut's cities and downtowns -- ensuring a prosperous economy, healthy natural environment, and distinctive, integrated and walkable communities, while protecting our valuable natural and cultural resources. In advancement of that mission, it was my pleasure to serve as one of three co-chairs of the Economic Development Subgroup of the Smart Growth Working Group.

Catalyzing smart, sustainable growth in Connecticut requires significant policy changes at the state, regional and local levels to: 1) reduce the state's reliance on the regressive property tax; 2) increase regional cooperation for economic development and land use; 3) modernize the state's zoning codes; and 4) encourage investments that will deliver immediate and long-term benefits to Connecticut's cities and metropolitan regions -- investments in transit, transit oriented development, brownfield remediation and reuse, affordable housing and preservation of lands and water resources, critical wildlife habitats, and prime soils that sustain our agricultural economy.

On today's agenda are a number of proposed bills that would significantly advance smart growth. I thank the Committee for its boldness and comprehensiveness in raising these bills. I urge you to not just favorably consider them, but to *champion* **HB 6463 An Act Concerning Membership on Regional Planning Agencies**, **HB 6464 An Act Concerning Coordinated Preservation and Development**, **HB 6465 An Act Concerning Smart Growth and Transportation Planning**, **HB 6466 An Act Concerning Projects of Regional Significance**, **HB 6467 An Act Concerning Smart Growth and Plans of Conservation and Development**, **HB 6469 An Act Concerning Smart Growth and State Planning**, **HB 6585 An Act Concerning Regionalism**, **HB 6589 An Act Concerning Land Use Appeals**, and to combine the thinking on regionalism reflected in **HB6585**, **SB 371**, **HB 5544**, **HB 6387**, and **HB 6389** to create an *omnibus regionalism bill*.

brownfield remediation for compliance with smart growth principles. It would require the steering committee to notify state agencies if the applications before them were found inconsistent. Applications that fail to meet smart growth criteria would be ineligible. *Our state resources are limited and must be deployed strategically to meet the state's desired smart growth outcome. With looming budget deficits, high bond obligations, and a contracting statewide economy, we clearly can't afford to fund pet projects and pork. 1000 FRIENDS of Connecticut unequivocally supports applying a smart growth filter to the ranking process of all state investments and for a decisive preference given to investments that will enhance smart growth. We recommend strengthening this bill by collapsing it with a strengthened version of 6465 and adding language to include a smart growth screen to economic development investments including grants for industrial parks. We recommend the state adopt a capital investment plan for all its investments to detail the cost, timeline, and source & status of funds for each investment.*

6465 An Act Concerning Smart Growth and Transportation Planning would require the Transportation Strategy Board to maintain a capital plan for transportation investment that incorporates smart growth principles. The TSB would also be required to screen transportation projects using a smart growth filter.

This bill is a good compliment to a heartier 6464. Though the Transportation Strategy Board currently prepares a list of transportation projects, that list is not screened for compliance with smart growth principles, listed projects are unranked and the specific resources, status and timeline of projects is not detailed. Now, more than ever, we need transparency to be sure our limited resources advance immediate goals and long-range outcomes.

6466 An Act Concerning Projects of Regional Significance defines *regional planning organizations*. It defines *projects of regional significance*. And it would enable regional planning organizations to establish a process for combined state, regional and local agencies to conduct pre-application reviews of projects of regional significance.

Large-scale smart growth projects generally require approvals of myriad offices and agencies, from the local historic commission, to the local zoning commission, to the Department of Environmental Protection, to the State Traffic Commission, to the Connecticut Development Authority. A pre-application review at the regional level would meet a number of goals. First, it would let developers know what timelines and submission requirements to expect and would let agencies know what they have in queue so applications can be filed more completely, problems identified early on in the process, approvals expedited, and when necessary for sanctions to be applied in a more timely fashion. It would also strengthen the communication and relationships between staff and decision makers at all levels of government so contradictory practices or policies can be identified early on and more readily negotiated. This is the kind of good governance the people of Connecticut deserve.

6463 An Act Concerning Membership on Regional Planning Agencies would require the chief elected official of a city or town hold a membership seat on the regional planning agency. There is wide support for increasing the degree to which services are delivered and authority granted to regional entities. We believe this is long past due. Connecticut can no longer afford the inefficiency of fractured

You will alleviate significant challenges in Connecticut's land use patterns, the lack of coordination for environmental preservation and economic development at the state and local level, and our over-reliance on the property tax. Thank you and the members of the Responsible Growth Task Force and the Smart Growth Working Group for your efforts thus far and your continued advocacy!

Smart Growth Principles

1. Mix land uses;
2. Take advantage of existing community assets;
3. Create a range of housing opportunities;
4. Foster walkable, close-knit neighborhoods;
5. Promote distinctive, attractive communities;
6. Preserve key natural areas;
7. Strengthen and encourage growth in existing communities;
8. Provide a variety of transportation choices;
9. Make development decisions predictable, fair and cost-effective;
10. Welcome citizen and stakeholder participation.

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Four-Part Smart Growth Agenda

For robust cities and downtowns, to sustainably grow our state and local economies, and to protect critical natural resources, we must make comprehensive changes to the state's development policies and investment priorities. Those changes must include: 1. reducing our reliance on the property tax; 2. improving regional cooperation; 3. modernizing local zoning codes; and 4. investing strategically and in the long-term best interests of the people and the state.

In the 2009 Session of the Connecticut General Assembly, the global economic and state fiscal crises will make smart growth policies a higher priority than ever. At the same time, there are real opportunities at hand and we must be prepared to seize them.

There is a slowdown in the pace of growth, let's use it to align plans and shape policies to direct investment toward sustainable development when the credit markets loosen. In recent years, with budget surpluses, Connecticut state government has fallen woefully short of paying its share of education, special education, and reimbursements for property tax exempt parcels. The current strain on the state budget means that already strapped municipalities will likely be asked to do even more, increasing the pressure to raise property taxes. Let's be sure any cuts at the state level don't increase our reliance on the property tax, and let's target state revenue enhancements to reducing property taxes when the economy rebounds. Our out-dated transportation system hinders economic development and forces us to spend ever more hours in our cars. Let's capitalize on the federal stimulus and low gasoline prices to reduce vehicle miles travelled by ramping-up state transit investment. Connecticut has tens-of-thousands of acres of contaminated sites in our cities and older industrial areas, let's create green economy jobs cleaning them up and make high ranking sites ready for newly productive lives when the economy gets sunnier.

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Stephen Sasala	President & CEO, Waterbury Regional Chamber
Patricia Wallace	Associate Director, Office of Urban Affairs
Cornell Wright	Principal, Parker Wright Group

Staff

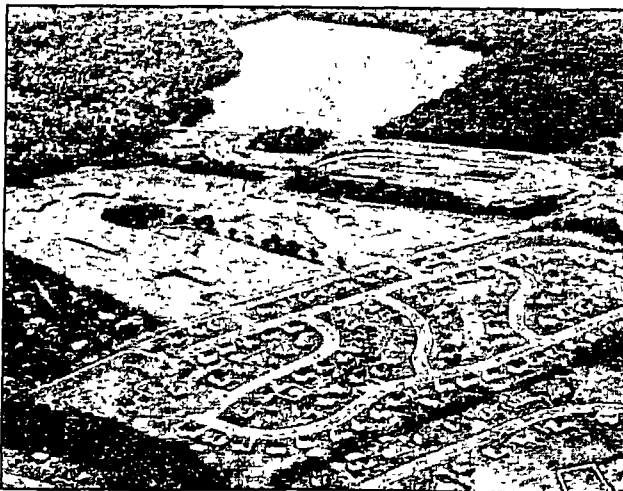
Heidi Green	President PO Box 1988, Hartford, CT 06144-1988 860-523-0003
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EXECUTIVE SUMMARY

With Connecticut's fields and forests rapidly turning into housing subdivisions and commuter traffic clogging country roads, the state finds itself at a crossroads. It can continue on its current path and jeopardize the quality of life for its residents or choose a smart growth approach and protect the state's character. 1000 Friends of Connecticut chooses the latter and joins Governor M. Jodi Rell in support of the goals for Connecticut established by the Governor in Executive Order 15: revitalize our cities, preserve the unique charm of our state, and build livable, economically strong communities while protecting our natural resources for the enjoyment of future generations.

But 1000 Friends of Connecticut recognizes that several challenges stand in the way of achieving those objectives. Connecticut's land use patterns, the lack of coordination among plans for environmental preservation and economic development at the state and local level, and its over-reliance on the property tax as a part of a balanced state/local revenue structure all create obstacles to the attainment of the goals articulated in the Governor's Executive Order.

In early 2006, 1000 Friends of Connecticut, a statewide smart growth education and advocacy organization, began compiling sound policy recommendations to overcome these obstacles and meet responsible growth goals. The result is a proposal that includes a series of incentives to wean municipalities from fiscal zoning and develop policies to better coordinate land use decisions, economic development and local service delivery. This proposal has been crafted with the following principles:



(1) preserve local autonomy and fiscal health; (2) encourage a coordinated and connected approach to planning and development, (3) broaden economic and social choice, (4) increase availability of reasonably priced housing; and (5) discourage sprawl. By focusing on these objectives, we can repair and strengthen the fabric of

Connecticut's land use decision-making system and resulting patterns contribute to economic stagnation, sprawl, clogged transportation corridors, social and economic inequity and racial segregation.

our cities and towns; encourage economic growth and competitiveness, and preserve the sense of place and quality of life unique to Connecticut.

Connecticut's existing land use patterns and fiscal policy are inextricably linked and must be addressed in concert to preserve

and enhance our economic viability and quality of life. 1000 Friends of Connecticut's goal is the adoption of two distinguishable, but connected, policy streams:

- 1) **Give towns incentives to encourage smart growth.**
- 2) **Reduce our reliance on the property tax.**

The first recommended policy stream provides incentives to towns to adopt land use policies that foster sensible and coordinated land use planning, efficient and accessible transportation, preservation of open space and farmland, protection of water quality and clean air, creation of jobs and sustainable economic development, promotion and use of existing infrastructure, and maintenance and creation of reasonably priced housing. Grants would be provided to towns that meet statutory standards for land-use planning and decision-making.

The second recommended policy stream reduces reliance on the property tax by providing: (A) a substantial increase in the amount of new state aid for public education through (1) an immediate implementation of the full Education Cost Share formula with a "foundation" level of \$8,122 per student, and (2) the assumption by the state of 40 to 75 percent of each town's special education costs, and (B) fully funding the two "Payment in Lieu of Taxes" (PILOT) grants — for tax-exempt state property and tax-exempt college and hospital property.



Connecticut Business & Industry Association

**TESTIMONY OF
ERIC J. BROWN, ASSOCIATE COUNSEL
CONNECTICUT BUSINESS & INDUSTRY ASSOCIATION
BEFORE THE PLANNING & DEVELOPMENT COMMITTEE
MARCH 2, 2009**

Good morning. My name is Eric Brown and I serve as associate counsel with the Connecticut Business & Industry Association (CBIA). CBIA represents nearly 10,000 businesses of all types and sizes throughout Connecticut. Nearly 90 percent of our members are small businesses having fewer than 50 employees.

Thank you for this opportunity to provide comment on the "smart growth" bills before your committee today.

CBIA congratulates the Planning & Development Committee and the Governor on developing a group of innovative proposals for promoting sustainable economic growth in Connecticut. In the General Assembly, we particularly recognize the hard work of Chairman Brendan Sharkey and the other legislators who ably took leadership roles in the activities of the Smart Growth Working Group over the past year. In our opinion, nearly all the proposals on today's agenda merit advancement in the legislative process along with continued discussion and refinement in order to insure maximum stakeholder support when they are ultimately considered by the House and Senate.

Towards that end, CBIA is pleased to list its position on each of the bills on today's agenda, and provide additional information on many of the bills following the listing.

**LIST OF CBIA's POSITION ON SMART GROWTH BILLS BEFORE THE
PLANNING AND DEVELOPMENT COMMITTEE – MARCH 2, 2009**

Raised Bill No. 6463, An Act Concerning Membership on Regional Planning Agencies: CBIA supports this bill.

Raised Bill No. 6464, An Act Concerning Coordinated Preservation and Development: CBIA urges that this bill's language be modified to cast the Face of Connecticut Steering Committee in an advisory role to the state's investment decision-making process rather than as an authority with approval and veto powers.

Raised Bill No. 6465, An Act Concerning Smart Growth and Transportation Planning: CBIA does not support this bill.

Raised Bill No. 6466, An Act Concerning Projects of Regional Significance
CBIA supports sections 1(b) and 1(c) of this bill

Raised Bill No. 6467, An Act Concerning Smart Growth and Plans of Conservation and Development: CBIA recommends:

- o Changes to the proposed definition of "smart growth" in Section 1
- o Deletion of Section 2
- o Replacing the phrase "shall incorporate smart growth" wherever it occurs in the bill to be replaced with "shall include an explanation regarding the extent to which the revisions promote principals of "smart growth"
- o Deletion of Section 7

Raised Bill No. 6469, An Act Concerning Smart Growth and State Planning
CBIA supports Section 3 of this bill.

Raised Bill No. 6585, An Act Concerning Regionalism: CBIA suggests subsection 1(b)(5)(C) be rewritten as, "(C) sharing of health care risks and costs"

Raised Bill No. 6588, An Act Concerning Regional Training for Local Land Use Commissioners: CBIA recommends omitting subsection 1(c) of this bill.

Raised Bill No. 6589, An Act Concerning Land Use Appeals: CBIA supports this bill.

Committee Bill No. 371, An Act Concerning Intermunicipal Cooperation
CBIA has concerns with the tax provisions of subsection 1(b) of this bill.

Committee Bill No. 384, An Act Promoting Regionalism in the State: CBIA supports this bill.

Committee Bill No. 5544, An Act Concerning Regional Economic Development Plans: CBIA supports this bill.

Governor's Bill No. 6387, An Act Concerning Regional Economic Development Plans: CBIA supports this bill.

Governor's Bill No. 6388, An Act Providing Mandate Relief to Municipalities
CBIA supports this bill.

Governor's Bill No. 6389, An Act Promoting Regionalism: CBIA supports this bill.

Raised Bill No. 6465, An Act Concerning Smart Growth and Transportation Planning

CBIA does not support this bill.

The bill requires adoption of capitol plan by the Transportation Strategy Board (TSB). CBIA is not sure what this new mandate on the TSB would mean. Would the TSB now be required to provide a method for paying for each transportation priority in its plan?

The bill also requires the TSB to "incorporate smart growth" into its future plans. This appears to introduce a new criteria into the TSB's project evaluation and prioritization process. CBIA believes many of the accepted concepts of "smart growth" are already included in the statutory directives to the TSB with respect to the board's strategic plans. Additionally, we are concerned the bill could be interpreted to position "smart growth" as the primary criteria effectively trumping the multitude of other important criteria that the TSB is required to consider.

Raised Bill No. 6466, An Act Concerning Projects of Regional Significance

CBIA supports instituting a voluntary preapplication review process for major economic development projects and exempting these discussions from the Freedom of Information Act, as proposed in section 1(b) and 1(c) of this bill.

Raised Bill No. 6467, An Act Concerning Smart Growth and Plans of Conservation and Development.

CBIA has several concerns with the current language of this bill and offers the following suggested modifications:

- The definition of smart growth in section raises several questions and some concerns. CBIA supports a more "direct" and objective definition that focuses on effective management of natural resources while growing our economy, and avoids esoteric and subjective concepts such as "social development" or clauses that could be read to weigh one goal over another. For example, the definition assertively calls for "**conservation and protection** of natural resources" versus a more passive, "**promote** economic development." In other words, in this example, we would prefer that the language be more balanced —either assert both or simply "promote" both. The following are some suggested modifications for your considerations. We offer this as a tool for further dialogue among stakeholders.



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THE VOICE OF LOCAL GOVERNMENT

TESTIMONY

of the

CONNECTICUT CONFERENCE OF MUNICIPALITIES

to the

PLANNING & DEVELOPMENT COMMITTEE

March 2, 2009

The Connecticut Conference of Municipalities appreciates the opportunity to comment on the recommendations of the Smart Growth Working Group.

CCM supports the recommendations of the Smart Growth Working Group. However, in the course of recommendations going from statements to legislative proposals, some clarity may be needed on some proposals, such as H.B. 6466, wherein the draft proposal may add administrative burdens on towns and cities. We will ask for changes to such proposals.

The Smart Growth Working Group, a group established about a year ago, was established to develop short- and long-term smart growth strategies. CCM has participated in the overall working group, as well as in the four subcommittees.

CCM applauds the Working Group co-chairs for making the group so inclusive – any entity that wanted to participate was encouraged to do so.

An Issue Whose Time Has Come

It is not hyperbole to state that Connecticut must go in a new direction or risk losing our quality of life.

Our state's over-reliance on property taxes to fund local governments, K-12 public schools, and other public or "municipal" services must end. Our state's uncoordinated and inefficient land use patterns must be changed. These systems no longer work – local government services aren't adequately and fairly funded, our students are shortchanged and people on fixed incomes are hit hard. The breakdown of these systems results in traffic congestion that plagues communities of

HB 6463

HB 6464

HB 6465

HB 6466

HB 6467

HB 6469

HB 6585

HB 6588

HB 6589

SB 371

SB 384

HB 5644

all types, development being detoured away from existing infrastructure into previously undeveloped green spaces, and the irretrievable loss of open space lands. It severely hinders thoughtful "responsible" or "smart" growth.

CCM has had a long-standing interest in responsible growth.

The time is ripe for real movement on responsible growth. Over the past few years, findings by very different groups -- the Roman Catholic Archdiocese of Hartford, the Connecticut Regional Institute for the 21st Century, 1000 Friends of Connecticut, Regional Plan Association, and the State of Connecticut Blue Ribbon Commission on Property Tax Burdens and Smart Growth Incentives -- link Connecticut's present property tax and land-use policies with wasteful and destructive "sprawl." These policies combine to drive people and business away from cities, urbanized towns and other already-developed areas. These policies eat up precious green and open spaces. The reports show that towns of all types -- suburban, rural and urban -- are being hurt:

- A growing number of *small cities and older suburbs*, home to nearly half of the state's population, *face significant and growing poverty*.
- *Especially hard hit are Connecticut's central cities and urbanized towns*. These municipalities must cope with poverty rates nearly three times the statewide average and with local tax bases that are just 40 percent of the average and growing slowly.
- A large group of *fast-growing, middle-class suburbs are struggling* to provide schools and infrastructure with insufficient resources.
- *Sprawl threatens the state's natural resources and farmland*. The amount of urban and suburban land in Connecticut continues to increase at a dramatic rate -- even though the population hasn't grown much over the last 20 years. Runaway growth devours farmland and churns out paved residential and commercial development -- changing an area, and our state, forever.

Cooperative land-use planning among the State, towns and cities can strengthen communities, preserve the environment and help the economy by improving transportation systems. Reforms that shift the revenue burden away from property taxes can stabilize fiscally stressed schools, help communities pay for needed public services and reduce competition for tax base. The State, councils of government or other regional organizations can help solve regional problems while ensuring that all communities have a say in decision-making.

Cooperative planning also includes encouraging development in areas where the infrastructure already exists, and around major transportation corridors.

H. B. 6465 "An Act Concerning Smart Growth and Transportation Planning"

This proposal would allow the Transportation Strategy Board (TSB) to (1) develop a capital plan that incorporates smart growth and (2) submit to the State Bond Commission a statement on the extent to which transportation capital projects incorporate smart growth principles.

This proposal helps ensure that transportation-oriented matters that impact smart growth are given the proper analysis and focus.

H. B. 6466, "An Act Concerning Projects of Regional Significance"

This bill would require regional planning organizations (RPOs) to develop a process for applicants to state and local agencies to request a pre-application review of "projects of regional significance."

The bill would require municipal and other agencies to allow such applicants the ability to provide preliminary comments on the project, summaries of the review process of the agency, and an opportunity for such applicants to discuss the project with the municipality through RPOs.

CCM is concerned about the workload this proposal may bring on communities – that this may add unnecessary administrative burdens on municipalities.

CCM is unaware of any current law that prevents applicants from meeting and obtaining pre-application information from a municipality. A municipality's participation should be voluntary and incentive-based. After all, it is in a municipality's interest to participate so that economic development is done in a timely manner.

H. B. 6467, "An Act Concerning Smart Growth and Plans of Conservation and Development"

This bill would, among other things, (1) establish a statutory definition for "smart growth"; (2) require that the state plan of conservation and development incorporate smart growth principles, as defined in the bill; and (3) require that smart growth provisions in local plans of conservation and development are consistent with those of the state plan.

Although CCM appreciates the intent behind this proposal, it takes the wrong approach. The approach should be bottom-up, not top-down. The State plan of conservation and development should be informed by local and regional plans, not the other way around.

H. B. 6469 "An Act Concerning Smart Growth and State Planning"

This bill would require the University of Connecticut to conduct (a) a tax incidence study, (b) build out analysis and (c) statewide geographic system (GPS) mapping system, within available appropriations.



CONNECTICUT ASSOCIATION OF
REALTORS® INC

Statement on

H.B. 6465: AAC SMART GROWTH AND TRANSPORTATION PLANNING...SUPPORT

H.B. 6466: AAC PROJECTS OF REGIONAL SIGNIFICANCE...SUPPORT

**H.B. 6467: AAC SMART GROWTH AND PLANS OF CONSERVATION
AND DEVELOPMENT.... SUPPORT WITH AMENDMENTS**

H.B. 6389: AAC PROMOTING REGIONALIZATION...SUPPORT

Submitted to Planning and Development Committee

March 2, 2009

by

T.J. Zappulla

Torrington

Good day, my name is T.J. Zappulla. On behalf of the Connecticut Association of REALTORS®, I strongly favor a group of smart growth bills that promote livable communities and at the same time respect market-driven, incentive-based approaches.

Three of the proposals were initiated by Rep. Sharkey's Smart Growth Working Group. The fourth is the Governor's and is funded in her proposed budget.

HB 6465: Realtors support this bill which integrates smart growth principles into transportation planning. It makes sense for the Transportation Strategy Board to provide comment on the extent to which projects do or don't meet smart growth criteria *before* money is allocated by the State Bond Commission. For example, some projects might lend themselves better to what are known as Location Efficient Mortgages. FNMA has used these to promote mixed use, pedestrian friendly developments that are sited close to rail lines and bus stations.

HB 6466: Realtors favor this bill which requires regional planning organizations to facilitate a *voluntary* preapplication review process for developers of larger projects. If done correctly, this process will allow private developers to obtain an informal evaluation of costs and requirements of town and State agencies before risking undue expense and time. It will help make Connecticut become a bit more "business friendly."

HB 6467: This bill creates a definition in the statutes for "smart growth" and then makes it the policy of the State.

(continued)



Planning & Development Committee
March 2, 2009 Hearing
Testimony by Shelby Mertes, Partnership for Strong Communities

I am testifying to highlight the connections between housing in Connecticut and the smart growth legislation being considered today.

The Partnership for Strong Communities is a nonprofit organization dedicated to raising public awareness and advancing policy solutions to create affordable housing and build healthy and economically vital communities, and end chronic homelessness.

I would like to comment on three bills before you today:

HB 6467 – An Act Concerning Smart Growth and Plans of Conservation and Development

The goal of defining smart growth and then tying funding and programmatic decisions to that is worthwhile, but we're concerned with the definition as it's currently written. The definition in section 1 refers to: "(E) affordable and available housing for mixed income households in close proximity to transportation and employment centers".

We instead recommend:

"promotes...(E) development or preservation of workforce or affordable housing through densities that reduce sales prices or rents, including in locations proximate to transportation or employment centers".

As currently written, it's unclear how "available" housing would be defined. Also the term "mixed income households" is unclear, which could mean any household with two people making different incomes, but I'm sure that's not what was intended.

Because this definition will drive funding and policy, we're concerned that the definition could be interpreted that only housing in close proximity to transportation and employment centers would be allowed or funded. Not only could this run the risk of restricting development of housing we desperately need, but it may not be smart growth. There are areas of the state that are away from major transit, but where development pressure is strong - Litchfield County for example. Attempts to limit housing production there could result in more large-lot zoning that has so far driven sprawl. It could also lead to the people employed there having to drive long distances from where they're able to afford housing – and we know the best transportation and environmental policy is to help people live close to work. We believe the best solution is not to entirely restrict development, but to encourage more compact development like in village centers. Higher allowed density, along with infrastructure and other investments, can encourage developers to build there instead of the outlying areas the state wants to preserve.

HB 6466

HB 6588 – An Act Concerning Training For Local Land Use Commissioners

We believe better training for local land use commissioners would greatly improve housing development. Not only would it result in better decision-making, but it could speed up the approval process. Many land use commissioners are volunteers, without adequate planning staff support. Local commissions often put the brakes on sensible development – unnecessarily – because they don't know the best practices that can manage land use complexity. The impact on housing development is enormous – time is money, and a slower permitting process costs developers more, which then gets passed on to renters and homeowners.

* OVER *

We also feel comfortable with UConn's CLEAR providing this training. They provide a valuable service for municipalities. We'd encourage trainings to include as much coverage of housing-related issues as possible.

We are concerned about potential ramifications of Subsection (c) allowing training and expertise of land use commissioners to be considered in court cases. Training is very important, and we should encourage it. But land use commissioners are volunteers who already have many demands upon them, and towns sometimes have trouble finding volunteers to serve. Exposing these individuals to increased legal scrutiny could discourage people from serving. It is also unclear how the court would interpret commissioners' level of experience – whether lack of training would excuse a mistake made, or make the town more at fault.

HB 6466 – An Act Concerning Projects of Regional Significance

We support this opportunity for developers – on a voluntary basis – to gain a clear understanding early in the process of what state and local agencies will expect of them. If done well, it could quicken the development process. Again, time is money, and clarity of process helps.

Finally, let me update you on Connecticut's housing situation, and urge to you keep in mind the state's housing needs as you craft a smart growth strategy. The Partnership for Strong Communities tracks the housing market closely, and I can tell you that despite some softening, the need for affordable housing hasn't gone away.

- Homebuilders and realtors report that modest-sized, modest-priced housing units are still selling and renting. We still have an undersupply in this part of the market that is most needed by our younger workers and families.
- Connecticut is 47th among the states in its rate of housing production per capita; Connecticut has not kept up with demand, which has driven up prices.
- Connecticut has lost its 25-34 year old population faster than any other state since 2000, largely due to high housing costs.
- Before the recession, lack of housing was constraining job growth, and unless we create more housing, it may constrain job growth and our economy again as Connecticut tries to emerge from the recession.

The state's HOMEConnecticut program is making progress on meeting these challenges. Run by OPM, it offers planning grants and financial incentives to municipalities that zone for higher density, mixed-income housing in sensible locations like downtowns, near transit, near job centers and in redeveloped brownfields. 46 municipalities have applied for planning grants to consider how to best enact Incentive Housing Zones, and 33 of those have been approved so far.

The HOMEConnecticut program uses a novel approach, which not only will provide desperately-needed housing, but begins to shape Connecticut's development patterns in a helpful way. This approach to land use can:

- reduce sprawl
- relieve development pressure from open space and farmland
- help people live in walking distance of rail and bus
- reduce road congestion and auto emissions
- help mitigate climate change

We've come to understand that housing is not only compatible with other needs, it actually can help land preservation, transit, brownfield redevelopment and other smart growth goals.

I thank the committee for considering this package of bills, and the Smart Growth Working Group for generating many of these ideas. It is critical to Connecticut's economy and communities that we foster more coordinated land use policies and investments on housing, transportation, land preservation, economic development, urban redevelopment, historic preservation and more, into a strategy to use our land and resources most efficiently and balance the many interconnected needs we face. It is challenging but rewarding work – thank you for your focus on this. And thank you for being mindful of the important role of housing in this mix.