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|----------------------|---|-----------|
| Act Number: | 09-221 | |
| Bill Number: | 6584 | |
| Senate Pages: | 6088-6089, 6100-6102 | 5 |
| House Pages: | 2722-2759 | 38 |
| Committee: | Planning and Development: 1088-1090, 1095-1096, 1113- 1115, 1133, 1145-1159 | 24 |
| | Page Total: | 67 |

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2009**

**VOL. 52
PART 19
5944 – 6203**

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SENATE

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June 3, 2009

SENATOR LOONEY:

Thank you, Mr. President. Mr. President,
continuing also, Calendar page 2, Calendar 269, Senate
Bill 1036, move to place the item on the Consent
Calendar.

THE CHAIR:

Motion on the floor to place Calendar number 269
on the Consent Calendar. Seeing no objection, so
ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. On Calendar page 3,
Calendar 271, Senate Bill 1039, move to place that
item on the Consent Calendar.

THE CHAIR:

Motion on the floor to place Calendar number 271
on the Consent Calendar. Seeing no objection, so
ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Moving to Calendar page
7, Calendar 602, House bill 6584, move to place the
item on the Consent Calendar.

THE CHAIR:

Motion on the floor to place Calendar number 602

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on the Consent Calendar. Seeing no objection, so
ordered.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, moving
to Calendar page 10, Calendar 639, House bill 6684,
move to place the item on the Consent Calendar.

THE CHAIR:

Motion on the floor to place Calendar number 639
on the Consent Calendar. Seeing no objection, so
ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Moving to Calendar page
12, Calendar 667, House bill 6539, move to place the
item on the Consent Calendar.

THE CHAIR:

There is a motion on the floor to place Calendar
number 667 on the Consent Calendar. Seeing no
objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Moving to Calendar page
13, Calendar 678, House bill 6306, move to place the
item on the Consent Calendar.

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Back on Calendar page 18, Calendar 719, House Bill 6676 is marked go and Calendar page 33, Calendar 354, Senate bill 499 is marked go.

Yes, Mr. President, thank you. At this point if the Clerk might call the items on the Consent Calendar.

THE CHAIR:

Mr. Clerk, please call the 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, the items placed on the first Consent Calendar begin on Senate Agenda number one, Substitute for House bill 5211, Substitute for House bill 6672 and Senate bill 880.

From Senate Agenda number two, Substitute for House bill 6481 and Senate bill 1128.

Going to Senate Calendar, calendar page 229, Substitute for Senate bill 549. Calendar 229, substitute for Senate bill 547. Calendar page 7,

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Calendar 602, substitute for House bill 6584.

Calendar page 10, Calendar 639, House bill 6684.

Calendar page 12, Calendar 667, substitute for House bill 6539. Calendar page 13, Calendar 678, substitute for House bill 6306. Calendar 679, substitute for House bill 6279 and Calendar 682, substitute for House bill 6041. Calendar page 14, Calendar 692, House bill 6248. Calendar page 15, Calendar 700, substitute for House bill 6693. Calendar 701, substitute for House bill 6642. Calendar page 17, Calendar 714, substitute for House bill 6280. Calendar page 21, Calendar 735, House bill 6523. Calendar page 26, Calendar 337, Senate bill 1047.

THE CHAIR:

Sir, I believe that was 377.

THE CLERK:

Yes, Mr. President, Calendar 377, Senate bill 1047. And Calendar page 33, Calendar 378, substitute for Senate bill 1048. Mr. President, that completes the items placed on the first Consent Calendar.

THE CHAIR:

Please call for Roll Call vote.

Please call for a Roll Call vote on Consent number

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one, the machine will be open.

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. 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 locked, the Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number One.

| | |
|-----------------------------|----|
| Total number voting | 36 |
| Those voting Yea | 36 |
| Those voting Nay | 0 |
| Those absent and not voting | 0 |

THE CHAIR:

Consent Calendar Number One passes.

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President, would move for immediate transmittal to the House of Representatives

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**CONNECTICUT
GENERAL ASSEMBLY
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Have all members voted? Have all members voted?
Please check the board to be sure your vote has been
properly cast. The machine will be locked. And the
Clerk will take a tally. And the Clerk will announce
the tally, please.

THE CLERK:

House Bill 6309 is amended by House A

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|-----------------------|-----|
| Total number voting | 141 |
| Necessary for passage | 71 |
| Those voting Yea | 141 |
| Those voting Nay | 0 |
| Absent and not voting | 10 |

DEPUTY SPEAKER KIRKLEY-BEY:

The bill as amended passes. Will the Clerk
please call Calendar number 308.

THE CLERK:

On page 36, Calendar 308, substitute for House
Bill number 6584, AN ACT ESTABLISHING CONNECTICUT
HERITAGE AREAS, favorable report of the Committee on
Environment.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Drew, you have the floor, sir.

REP. DREW (32nd):

Good afternoon, Madam Speaker. I move for

acceptance of the Joint Committee's favorable report and passage of the bill.

DEPUTY SPEAKER KIRKLEY-BEY:

The question is acceptance of the Joint Committee's favorable report and passage of the bill. Representative Drew, you have the floor, sir.

REP. DREW (32nd):

Thank you. Madam Speaker, the United States federal government recognizes national heritage areas and actually they've recognized two in the state of Connecticut, the Quinebaug and Shetucket Rivers Valley, national heritage corridor, which is in eastern Connecticut and the upper Housatonic Valley national heritage area which is in northwestern Connecticut. This bill creates a Connecticut state program which recognizes those areas. And protects these two areas by first off requiring state bodies to consider these areas in their planning documents and process and secondly requiring the Office of Policy and Management to consider how to protect and conserve these areas when revising the state plan of conservation and development. This bill will help protect and preserve these valuable, historic Connecticut assets by making these concerns part of

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the Connecticut planning and development process. I urge passage.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir. Will you remark further on this bill? Representative Aman.

REP. AMAN (14th):

Thank you very much, Madam Speaker. I do have a few questions regarding the bill and if you would -- the first one I would be asking is this whole bill is based on the word consider, and I was wondering if the proponent of the bill could come forward and give me a very clear definition of what it means to consider these areas, since I think that legislative intent when you have a word this vague is extremely important. Through you, Madam Chairman -- Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir. Representative Drew.

REP. DREW (32nd):

Yeah. Thank you. Madam Speaker, again I'll refer to I think is the -- the plain and simple language in the bill in that regard. It's in section three, subsection -- subparagraph F and it refers to after October 1, 2009 that the Office of Policy and

Management shall take into consideration the protection and preservation of these areas.

And I think beyond that all I can really say is there's a very substantial process for revising the State Plan of Conservation and Development and in this session we expect actually to delay that next revision by two year process. And the commission that will be working on that revision is a bipartisan commission of the legislature. And so there will be very substantial and ongoing opportunity to work that question. It's an important question. And that's I think the most direct response that I can give.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir. Representative Aman.

REP. AMAN (14th):

I thank the speaker for giving me that very good information and his interpretation of that. I'm glad also that he brought up the subject of us looking at the plan and development for the state over the next six months to a year to set up a process for redoing it. And I know within our committee we have talked at length about having the plan and development for the state be generated more from the municipalities, the local communities and less from the state.

And my question to the proponent is, is there anything in this bill that would interfere with having the plan and development driven by the localities versus being driven on a top-down basis. In other words, would the desires of this bill overcome the desires of the local municipalities for their plan of development? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Drew.

REP. DREW (32nd):

Thank you. Madam Speaker we do have a statutorily defined process for creating the plan of conversation and development and again there is a bipartisan legislative commission that's fully participating in that. And it's the attention of that commission to deliberately and vigorously I would say, seek that input from the local municipalities and government bodies. So that is definitely a vital part of the process and that is the intention of that commission.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir. Representative Aman.

REP. AMAN (14th):

Yes. So it's my understanding from the comment

that as this plan moves forward or this bill passes that it's not going to have any direct impact on municipalities currently planning and zoning wetlands regulations or anything else they may have. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative. Representative Drew.

REP. DREW (32nd):

Yes, Madam Speaker. That is correct.

REP. AMAN (14th):

Okay. The --

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

Yes. The proponent came forward and said the areas. It's my understanding that if you took those two geographical areas together it'd be somewhere between, oh maybe a quarter and a half of the state. Is that correct, Madam Speaker?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Drew.

REP. DREW (32nd):

Look Madam Speaker, I'm not sure of the exact percentage but I've seen the visual maps myself. My

understanding is it's approximately 35 percent.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th);

I agree with him. I was just trying to give him a very broad range to pick a percentage of but it is a very, very large part of the state. In this bill we -- their design to protect the significant, historic, recreation, cultural, natural and scenic resources that form an important part of the state's heritage and we say that we have to protect them in those two areas of the state.

I was just wondering, through you, Madam Speaker, as to who was going to inform the residents of Fairfield and Hamden that under this plan there are no significant historical, recreational, cultural, natural, and scenic resources in their towns. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Drew.

REP. DREW (32nd):

Well, Madam Speaker, thankfully there's many advocates in that area to identify these historic treasures but I appreciate that inquiry.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. AMAN (14th):

I will be voting for this. I am very concerned about, again the word consider in there and the reason is because as you have people look at this depending on who is looking at the plan, where they're coming from, the word consider gives them a whole lot of leeway and from what we have seen in other times when we've been working on plans and generalities it has led to numerous disputes and problems.

If we weren't going ahead over the next six to eight months with a process to redo the plan and development where I think there'll be a lot of discussions, I would probably be voting against this bill. But as of now I think it will be okay. I've also spoken to several Representatives that are from that -- or those areas of the state and they seem to feel that it will be able to work with it within their own communities and therefore I will be voting for it. Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir. Will you remark further? Will you remark further on the bill? Representative

Candelora of the 86th. You have the floor, sir.

REP. CANDELORA (86th):

Thank you, Madam Speaker. If I may, a few questions to the proponent of the bill.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

Yes. If I may. Thank you, Madam Speaker. In the bill we are designated two areas, the Quinebaug Valley national heritage corridor, and the upper Housatonic Valley national heritage area, as these Connecticut heritage areas. Are there a defined locations for those two particular sites in Connecticut? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Drew.

REP. DREW (32nd):

Madam Speaker, my understanding those areas are defined by the U.S. federal government, the national park service and that they are defined by the body as I understand.

REP. CANDELORA (86th):

Thank you, Sir. Through you Madam --

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you. Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker. So through you, is the intent then of this legislation to incorporate the federal definition then of those two areas when we reference them in lines 13 through 16? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Drew.

REP. DREW (32nd):

Madam Speaker, my understanding is yes, that is the intention.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker. And the way it's done is we identify those two areas which allow it to be -- fall into this general definition of Connecticut heritage areas, and I guess my question is are we intending for the Connecticut heritage areas to in the future be an expansive category? Because I guess, through you Madam Speaker, why wouldn't we just identify those two sections in the beginning of the bill? Why are we creating this umbrella of

Connecticut heritage areas? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Drew.

REP. DREW (32nd):

Well, Madam Speaker, I will respond by saying the -- in our plan of conservation and development to recognize statewide policies and those things we value and are of interest to us and we try to incorporate in our statewide plan of conservation and development, this national recognition of these important heritage areas are something that we embrace and we want to embrace as a state.

And to specifically include these in our plan of conservation and development and other actions by the state to include along with all the other existing criteria that already exists in the statute to be included in the plan of conservation and development.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker. I guess in the first section of the bill when we define what a Connecticut heritage is, it's an area that has significant and

historic, recreational, cultural, natural, and scenic resources. And I guess getting to Representative Aman's point why are we -- why are we as lawmakers carving out these particular two areas as Connecticut heritage areas, treating them separate and apart from the overall smart growth principles that we have and we're trying to apply in the state of Connecticut and separating them really apart from the entire state plan of conservation -- plan of development? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Drew.

REP. DREW (32nd):

Madam Speaker, I'd say that the federal process we'd recognize that as having sufficient element of kind of rigor to it so to speak. And I believe for these reasons are the reasons we've kind of mirroring the federal designation at a minimum. And I will also say there's no prohibition against the local communities also recognizing various historic assets and areas that have special value from a heritage standpoint.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Aman.

REP. CANDELORA (86th):

Thank you, Madam Speaker. And through you then, by creating this designation are we entitling the state of Connecticut to any sort of federal funding by doing this? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Drew.

REP. DREW (32nd):

Madam Speaker, I'm not aware of specific funding for these areas. I do know that this -- the National Park Service does have some funding for the heritage areas, although I think particularly they use that not for development but particularly for know-how and training and awareness, if I'm not mistaken. But certainly we would hope that this would put us in good stead for other funding that may be available through the federal government, we would hope.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Sir. Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker. And the areas that we have designated are these all public lands or are they -- do they include private properties as well?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Drew.

REP. DREW (32nd):

Madam Speaker, my understanding they would include both.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker. So when the -- go to lines 69 through 72, where I think that's in the state plan of conservation, we're creating a public policy that we are to protect and preserve the Connecticut heritage areas. What impact then would that possibly have on municipalities' abilities to privately develop these areas through their local planning and zoning process? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Drew.

REP. DREW (32nd):

Madam Speaker, looking for specifically at those lines, again I want to underscore that that language in the bill directs the Office of Planning and -- or office of OPM to consider these areas as they develop their draft of the plan of conservation and

development. That's what that language accomplishes.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Candelora,

REP. CANDELORA (86th):

Thank you, Madam Speaker. I guess generally the concern I do have is -- and many of us in this chamber could appreciate the impact that the State Plan of Conservation and Development has had in our localities. In my town when we apply for seed grants the State Plan of Conservation and Development typically has become a hurdle for us to be able to properly and appropriately develop our properties. Specifically I know in North Branford we have property that's been designated for conservation that's located in an -- in an industrial zone that prohibited us from being able to use a seed grant for sewer connections that this assembly had approved. And so I'm concerned that what we're doing here today, while I think it's laudable that we're creating this Connecticut heritage area. The minute we start pulling the State Plan of Conservation into it without fixing the problems with it, I think we are potentially tying municipalities' hands in these regions. There may be locations that are suitable for seed funding or state

funding which potentially are going to lose their ability because we're now, through this asking OPM to preserve and protect these particular areas as it relates to recreation, culture, and scenic views.

And certainly while I don't represent any areas in this district, I just think that the chamber here should be mindful because as far as I can tell the issues that we've had with the state plan still have not been corrected. If we attempt to get a grant application that's maybe in violation of this plan, or needed to get waivers from OPM or special legislation is drafted as a result and I think this is ultimately what this legislation's going to do.

It's going to pull the Connecticut heritage areas into the state plan and give it higher scrutiny which I'm not sure in the long run would be good for the local communities in that area. So I would be very reluctant to support the bill in this current form.
Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Sir. Will you remark further? Will you remark further on the bill? Representative Miner of the 122nd. You have the floor, Sir.

REP. MINER (66th):

Thank you, Madam Speaker. Madam Speaker if I might through you a few questions to the proponent of the bill please.

DEPUTY SPEAKER KIRKLEY-BEY:

Please proceed.

REP. MINER (66th):

Thank you, Madam Speaker. Madam Speaker on -- on lines nine and ten, the words managing entities are used with regard to the state working with these managing entities. Could the gentleman explain what managing entities are? Through you please.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Drew.

REP. DREW (32nd):

Madam Speaker, my understanding that that term is to be interpreted in a very general sense that other who may -- other entities or participants who are involved in the management of those areas and that it be interpreted in a very general way. That's my understanding.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Sir. Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. So as an example would

a managing entity be a fee owner in that area being discussed? Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Drew.

REP. DREW (32nd):

Madam Speaker, my understanding is that yes, that certainly is a possibility.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. Could that managing entity be a land use board that is not a fee owner? Through you, please.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Drew.

REP. DREW (32nd):

Madam Speaker, I'm not aware that that's necessarily the case though I hesitate to express that that would be impossibility but that would not -- that is not necessarily my understanding of what a typical participant in the managing -- of a managing entity would be.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. If I might, one more, could a managing entity be an environmental organization that may testify on behalf of or against an application with regard to the development of one of these parcels? Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Drew.

REP. DREW (32nd):

Madam Speaker, my -- my understanding is that if such a body did not actually have management responsibility and management legal authority then I would expect that they would not be included.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. And so as I understand the gentleman, is the intention of this legislation to provide, let's say an overlay of consideration for this Connecticut heritage area to the extent that it might impact the owner and there might be a cooperative process as described in section B -- 1-B, with regard to that owner or legally managing entity but not someone who might be testifying against an

application and therefore there's actually some connection between the property and the use. Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you. Representative Drew.

REP. DREW (32nd):

Yeah. Madam Speaker, I hesitate to go beyond the plain language of the bill. So to the extent potentially that goes beyond the plain language I probably would not concur with it. And yet again looking at that language on line 11 and 13, managing entities to the extent there's those with viewpoints who are necessarily -- who don't have management control or that kind of legal management control, then I expect that they would not come under that -- that definition.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. And I thank the gentleman for his clarification on that answer. I want to be sure when we talk about the State's Plan of Conservation and Development adding this level of consideration, in this next iteration I guess of the

State's plan being developed. Is there a local public hearing process by which a municipality may weigh in on this language and this process? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Drew.

REP. DREW (32nd):

Madam Speaker, the office -- the OPM does have public hearings and the fundamental purpose that they have, also a fundamental purpose of the bipartisan commission is to seek out input from local areas and municipalities.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. When I first got elected to the General Assembly there was a process ongoing where the State of Connecticut and the towns were trying to catch up with each other with this local plan of conservation and development and State Plan of Conservation and Development, and over the last eight years there's been a lot of work done to try and put a time table to all that so that people would be in sync, that we weren't way out of date on

one or the other.

And my concern is that somehow through the process of the state passing this kind of legislation is that at the local level it will be deemed to have a difference without having had an opportunity to actually say this is what we want. And that's the big issue. I think most of us that have a concern about the state and local consideration with regard to plans of development have had over the last eight to ten years, is that we seem to pass language here directing towns and development in a way that isn't always consistent the way towns want to be developed.

In 1991 there was some language added to this section of the statute that said we don't want to fund things with state tax dollars at the local level if they're not consistent with our state plan. And then since 1991 we've changed that language in such a way that the issues that were described by Representative Candelora become more the norm than the unusual circumstance.

For instance towns have decided that they want to have a business district in an area that's inconsistent with the state plan, not because they want to be ornery but because that's the way they've

developed over time. And the state plan doesn't recognize that development. Towns 200 years ago had factories built in areas that are considered to be sensitive. And if you had it to do all over again you probably wouldn't put a 40, 50, 60,000 foot factory there, but it's there.

And over time we've worked very hard to make sure that the language recognizes the existence of those so even though our state map and our state plans say that they should be preserved, and that they should be green space, we recognize that there's a hard working group of people working in a factory and we don't want to penalize them.

I hope in passing this legislation, Madam Speaker that we're not somehow putting in 15, 20 words that are going to undo a lot of hard work that has occurred over the last eight years trying to maintain, trying to develop a better relationship from a planning perspective between towns and the state. If this in fact takes us back to 1991, and puts the town at odds by designation of heritage with towns in the state because they're plans are not going to match, I think we've done a very bad thing here today. I don't know that we have but I am very concerned that we might be.

And in doing so we are going to vastly restrict people's right under their own zoning laws to develop their property.

The people they elect, the people appoint, the people that they live with have worked very hard to make decisions how those towns should be developed and if this language is going to change that somehow I think this is the wrong way to go about this process. I think it should be from the bottom-up. I've been very consistent about that in the time that I've been here and I'm probably going to oppose this not because I am insensitive to these sensitive areas but because I'm not so sure that we're as cautious as we should be about including local people in these decisions.

Thank you, Madam Speaker and I do thank the gentleman for his answers.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative Miner and I apologize to you if I said you were from the 122nd, you're from the 66th district which I recognize. And will you remark further on the bill? Will you remark further? Representative Miller, who is from the 122nd. You have the floor, Sir.

REP. MILLER (122nd):

Thank you, Madam Speaker. And let me just say how lovely you look up there in that nice white jacket.

DEPUTY SPEAKER KIRKLEY-BEY:

Well thank you, Sir.

REP. MILLER (122nd):

I have some comments to make about this bill. The state of Connecticut is a very unique state. One of the premier states in the nation and we got there because of a thing called home rule. We didn't get there because of the state of Connecticut, we got there in spite of the state of Connecticut.

And it seems to me that every time we have a session something more is added that's going to put some restriction on local home rule. Yesterday we had established a fact that we're going to have lawyers who are specialized in land use here, any denials or any application to get into the court. So we're now going to make it more difficult and harder for towns to deny applications because you're going to have the courts looking over our shoulder. And here we are today again, taking a little bit more liberty with the local home rule type of planning and zoning boards.

The plan of conservation and development puts all

kinds of restrictions and obligations to meet what the state wants. Here we're setting aside 35 percent of the state to make sure that we conform to what the state wants. And it just bothers me that the towns are losing control of their own destiny when it comes to the development of their communities. I do have a question though, I'd like to present -- to propose Representative Drew please, through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Please proceed, Sir.

REP. MILLER (122nd):

The State of Connecticut under this particular bill, I know it's not the intention of the state to ever pass an unfunded mandate but should the state do something that cause the community, any one of these communities that are mentioned the 35 percent of these -- of the state, are affected by some action of the state where they have to spend money. Will the State of Connecticut provide funding to alleviate the problem that they find? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Drew.

REP. DREW (86th):

Madam Speaker, if the Representative could clarify what problems is he referring to?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner -- Miller. Excuse me.

REP. MILLER (122nd):

Through you, Madam Speaker. Any kind of a problem the state could find that would force the town to do something to improve the area and pay for it out of their own budgets. I'm not sure what they would find. But, you know, leave it to the state, they can find something. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Drew.

REP. DREW (86th):

Madam Speaker, not having a just kind of a specific fact pattern, you know I can't respond in a -- it's kind of a hypothetical in that respect, so to speak. I'll point out thought that this is not a mandate in any way whatsoever on local municipalities and that there is a zero fiscal note -- a zero fiscal impact I should say in the fiscal analysis.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miller.

REP. MILLER (86th):

Thank you, Sir. Then we're not sure then if something did occur where the state decided that they wanted the town to do something that would cost money, we're not sure that the town would receive any money because the state wanted something done that would, you know, I'm not sure how I could explain it but an unfunded mandate is an unfunded mandate. If they did something to the town that said you have to spend \$50,000 to correct something, maybe it's a wetlands area. I'm not sure what but you know, I'm not a lawyer so maybe -- it's just that a freelance answer on your part wouldn't hurt. Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Drew.

REP. DREW (86th):

Madam Speaker, I'll say that in a very general way again there's no mandate of local municipalities here. And so I hope that's responsive to the Representative's question.

REP. MILLER (122nd):

Yeah. I'll accept.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miller.

REP. MILLER (122nd):

Thank you. Thank you. And thank you, Madam Speaker. But again I just want to say that it seems like we're eroding the authority that most towns have in the matter of planning and zoning. The state is chipping away. It's the plan of conservation. It's this particular plan. It's having lawyers in the courts that are specialized in land use.

It seems that slowly but surely towns are losing more and more liberty when it comes to the development of their town. And I hope that the General Assembly notices that this is happening and that if we want to preserve our town for our voters we ought to be careful as to what we do when we pass these laws. Maybe this is all well intentioned but sooner or later something could happen that may take some authority from these communities. Thank you very much, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Sir. Will you remark further on the bill? Representative Shawn Johnston. You have the floor, Sir.

REP. JOHNSTON (51st):

Thank you, Madam Speaker. And Representative

Miller's thought at his comments to you about how you look today and quick observation to Representative Miller. You can skip your eye exam this year, Representative Miller. They're working just fine.

Madam Speaker, I wanted to comment in strong support of the bill before us. It seems to me that there's a fear that this bill is going to usurp some local control. I think this bill simply looks at a couple of very special areas in the State of Connecticut and one of those I'm very familiar with. My district lies entirely in the Quinebaug Shetucket River heritage corridor, which is otherwise known also as the last green valley, Madam Speaker. And it got its name the last green valley because if you fly over our land between Boston and New York and come across this section all the way down to Washington, D.C. there's sort of a black hole that as you look down over the last green valley. And it's an area in this whole eastern corridor that really hasn't been developed. And much of our eastern corridor is composed of larger cities and suburban area.

This bill I think simply as I look at it doesn't take any local control away. It looks at these special areas and says to OPM, you ought to consider

the value of these areas as you look at a plan of conservation and development. Just like we would look at some of our urban centers and our cities and look at some of the advantages that they may have and with their mass transit and try to have development around that and some of their public universities and work off of their strengths.

I think this simply asks OPM not to mandate anything but to consider -- consider these two regions of the state that are incredibly special. And in our area, the Quinebaug Shetucket Heritage River corridor does a great job of keeping the rural nature and a lot of our wonderful, natural resources while actually developing programs to reuse our old mills. But we understand that we were an industrial center built upon the river, the Quinebaug River and that -- and some of the new major manufacturing a hundred years ago happened in our small cities in northeastern Connecticut because of hydropower on the river. And they've helped to set up programs to work with the local conservation boards and our local zoning boards to try to reuse these existing buildings instead of trying to go to the outskirts and create a new industrial park. So they've worked in harmony well

with us and I think this bill simply just asks the state to consider their assets when looking at the plan of conservation and development. And I urge full support of the bill. Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative. Will you remark further on the bill? Representative Chapin of the 67th. You have the floor, Sir.

REP. CHAPIN (67th):

Thank you, Madam Speaker. I have to respectfully disagree with the last speaker's comments. I think this has a lot to do with giving up local control or at least the opportunities that we've become accustomed to in creating our own destiny as well as looking for additional funding sources from the State of Connecticut. Sections one and section two of the bill are -- there's -- I have absolutely no objection to. It's actually the provisions in section three that I rise in opposition to. In line 69 through 71 where we're requiring that any update of the state's plan incorporate or give -- shall take into consideration the protection and preservation of Connecticut heritage areas. I believe that that language alone undoubtedly will set up inconsistencies

between the state's plans and the local municipalities plan.

You may remember that the state's plan is required to be updated, I believe it's on a five year rolling basis and we were due for an update on March 1 of this year. I don't believe that that plan has been updated. As a matter of fact I believe I saw legislation this session that would provide an extension to that deadline. At the same time our municipalities are required to update their local plans of conservation and development on a ten year basis. And we've seen legislation in the past year that states that if that plan is either not updated or if it is inconsistent with the state's plan that those municipalities will be ineligible for some discretionary grants.

So, I would agree with some of the earlier speakers on this bill that this particular section becomes problematic. And although there's no fiscal impact today, I fear the impact on our small municipalities in the future. And therefore I'll be opposing -- opposing the bill today. Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Sir. Will you remark further on the bill? Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. I have one question for the proponent of the bill if I may, Madam Speaker. Madam Speaker, one question for the proponent of the bill.

DEPUTY SPEAKER KIRKLEY-BEY:

Please proceed, Sir.

REP. ALBERTS (50th):

Thank you, Madam Speaker. As I read section one, my understanding is that the state will be identifying the significant historic, recreational, cultural, natural, and scenic resources that -- that we're trying to protect. Is this not correct? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Drew.

REP. DREW (86th):

Madam Speaker, the -- I think it's section one there. The language in the bill acknowledges that these areas already exist.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. I appreciate the response but is the recognition that they already exist because the state recognizes them for their particular attributes that fall in these categories? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Drew.

REP. DREW (86th):

Yeah. Madam Speaker, in that section one of the bill it identifies as a state policy features that are recognized as heritage areas and then in -- later in, I believe it's section two. In section two it specifically recognizes these two federal areas as Connecticut heritage areas.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Sir. Representative Alberts.

REP. ALBERTS (50th):

Thank you, Madam Speaker. I will take that as a yes. I do stand in strong support of this bill. I do recognize the concerns that my colleagues have raised in terms of some of the opportunities here that the wording may lead to the potential that local control may be usurped. This bill came before the various

committees largely because the state was not working on a proactive basis with this federally recognized organization just to respond to inquiries. And I do -- would like to stand in strong support to see this go through because my district too, does stand within the Quinebaug Shetucket Heritage corridor. I do recognize that my towns have a very strong sense of home rule but they're also very strong supporters of this corridor. Any language issues I think we can correct in the future if we do need to correct but I think this recognition is important at this time. Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Sir. Will you remark further on the bill? Will you remark further on the bill?

Representative Joan Lewis. You have the floor, ma'am.

REP. LEWIS (8th):

Thank you, Madam Speaker. I too would like to rise in support of the bill. The town of Coventry, which is in my district and where I live is a part of this corridor. We've had a very strong relationship -- a very positive relationship as being a part of the corridor. So, again I'm in strong support of the bill.

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DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, ma'am. Will you remark further on the bill? Will you remark further on the bill? If not, staff and guests please come to the well of the House. Will members please take your seat. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by roll call. Members to the chamber please.

DEPUTY SPEAKER KIRKLEY-BEY:

Have all members voted? Have all members voted? Will members please check the board to make sure that your vote has been properly cast and the machine will be locked. And the Clerk will take a tally. And the Clerk will announce the tally please.

THE CLERK:

House Bill 6584.

| | |
|------------------------|-----|
| Total number of voting | 142 |
| Necessary for passage | 72 |
| Those voting yea | 130 |
| Those voting nay | 12 |
| Absent and not voting | 9 |

DEPUTY SPEAKER KIRKLEY-BEY:

The bill passes. Will the Clerk please call
Calendar number 324.

THE CLERK:

On page 36, Calendar 324. House Bill number
5795, AN ACT CONCERNING SHELLFISH WATER TESTING,
favorable report of the Committee on Public Health.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Richard Roy, you have the floor,
sir.

REP. ROY (119th):

Thank you, Madam Speaker. Madam Speaker I urge
acceptance of the Joint Committee's favorable report
and passage of the bill.

DEPUTY SPEAKER KIRKLEY-BEY:

The question is on acceptance of the Joint
Committee's favorable report in passage of the bill.
Representative Roy, will you remark?

REP. ROY (119th):

Thank you, Madam Speaker. Madam Speaker, what
this bill does is directs the Department of
Agriculture to provide a memorandum of understanding
with communities who wish to use local organizations
to do shellfish water testing. I urge passage. I
move passage.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PLANNING AND
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you're out of your mind. Their the biggest insurance company in the country and how stable they are. So I personally would be very reluctant in this economy to rate any regulation that says we may only use this particular organization and if something happens to them, we got to come back into special session and quickly rewrite legislation or our tax grant program ends. So
--

MARTIN MADOR: Well -- well the good news here --

REP. AMAN: -- I think it's something the committee's going to just have to look at.

MARTIN MADOR: The good news here is -- is the LEED certification is not part of the permitting process. It -- it in no way delays the project. What we're really talking about here is the financial incentive given by the state for a developer to do what's not only in his best interest, but society as a whole. So, what's really at risk here is that the tax credit program wouldn't work. But, it's not going to impede in any way the development of the project otherwise.

REP. AMAN: Thank you very much.

REP. SHARKEY: Thank you. Are there any other questions from members of the committee? If not, thanks Martin. Bill Ethier followed by Sally Zanger.

BILL ETHIER: Thank you, Representative Sharkey, members of the Planning and Development Committee. My name is Bill Ethier, I'm the Chief Executive Officer of the Home Builders Association of Connecticut with 1300 members in the state. I submitted written testimony on five bills. I'm going to quickly try to go

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through those. I'm going to start with the wetlands bill, 6590. If we -- we think we understood the intent but after the exchange between the chairman and Ron Thomas of CCM we're not quite sure. But, non the less, we think --

REP. SHARKEY: Hopefully you're shaking in your boots.

BILL ETHIER: Well, I don't shake too often. But I could have it wrong. And I'll stand corrected if I do. We actually outlined in our testimony of what we think was the intent of the bill. But, non the less given the exchange you had with Ron, we still think the language might be to broadly written. And my upset too much of the feasible and prudent alternatives analysis that is done under the Wetlands Act. Which has been in place for a very long time. Far before the -- the 96 and 97 amendments.

As I mentioned in my testimony the seminal case, Samperi case, was back in 1993, that interprets the -- the feasible prudent alternatives analysis. If our understanding was correct, we offered a much simpler solution. But if I'm not, that solution doesn't work. And I'd be more than happy to -- to work with -- with the Chairman and the Committee to -- to craft something that is not quite as intrusive and doesn't upset too much of that feasible and prudent alternatives analysis that does have a lot of case law behind it.

Moving on quickly to some other bills. The -- we do oppose the -- the Connecticut Heritage Areas Program Bill. I don't think anyone has spoken on yet today, 6584. These new heritage areas are extremely sweeping in scope could

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cover a very broad areas. They will lead to unknown regulatory controls over property owners and development applications. It's our position that property owners are all ready so heavily regulated that we don't need another new layer of controls. And so we -- we urge you not to support that bill.

We do support the concept of 6586, the Expedited Economic Development Permit Applications. We -- we urge you to coordinate with the commerce committee. They had a public hearing on a similar bill with some -- some other language. And you also had another bill I think it was last week on the similar concept. The bottom line is we do need to improve our permit application process. And this bill I think is a step in the right direction.

We do offer some amendments to fix some pieces of -- some particular problems that we see with that bill. Particularly we -- we -- we want to make sure that the existing time line for local approvals under 8-7D are not interfered with. So that this memorandum of understanding doesn't get rid of the existing time lines. And that the need for new public hearing, we don't understand that. We support the extension of the state plan of C&D to put that off for a year. And then finally on the tax credit bill of green buildings that was just discussed, we support the idea of a tax credit. But we can -- we cannot support this bill unless it adds the National Green Building standard which was not mentioned.

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It's another standard that is the -- is the premier standard that's out there for residential construction. Now if you're going to -- if the intent is to limit this to incentives commercial construction, then that

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you've already obtained.

REP. SHARKEY: Okay. We'll work on it.

BILL ETHIER: All right.

REP. SHARKEY: Thanks. Are there other questions from members of the committee? Representative Flexer.

REP. FLEXER: Good afternoon. Thank you, Bill. I just wanted to talk with you briefly about Bill 6584. In the -- in your testimony you called the areas that the bill is hoping to work with as broad sweeping, the Quinnabaug Valley and Mashantucket Rivers corridors. Just so that you know, it's my understanding that that bill is suppose to align with the National Heritage Corridors that already exists. And I just wanted to share that information with you and see if you were aware of that.

BILL ETHIER: I was not. The bill does not say that, I don't believe.

REP. FLEXER: No.

BILL ETHIER: So, it's -- it just talks about means of place within the state that has been identified by the General Assembly to have significant historic recreation and that's very broad. So, if we -- it needs to be limited because of the potential downside of having another layer of regulation could be pretty drastic. It's -- it's an unknown entity at this point. So, as I said we -- we think we're regulated enough as it is.

REP. FLEXER: Right. I just wanted to share with you that I think it's the -- purpose of the bill is more -- as I understand it, and that

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may not be clear when you actually read the language, is to provide for more cooperation between state agencies and the National Heritage Corridors that already exist and not to institute new requirements as you might have assumed from reading the bill as it is right now.

BILL ETHIER: Okay.

REP. SHARKEY: Thank you. Are there any other questions? Senator Fasano.

SENATOR FASANO: Thank you, Mr. Chairman. I'm kind of curious and if you hit upon this, I apologize. I was out of the room. I was asking Marty before about LEED standard and did you talk about -- did I miss that when I walked out?

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BILL ETHIER: In my direct testimony, I very briefly I mentioned that there is this National Green Building standard which is -- is the only green building standard that is ANSI approved, the American National Standard Institute as a consensus based, you know, national standard. But it's for residential construction.

SENATOR FASANO: And who -- whose ANCI? I mean what is ANCI?

REP. FLEXER: ANCI is the American National Standards Institute. It's a -- it's been around for -- for decades. What they do is they -- they're a national -- actually an international body that approves standards of all sorts of -- of all kinds of things.

SENATOR FASANO: Would one argue that there -- that the ANCI standards are less than LEEDs standards or more than LEEDs standards with

I'm sure he rarely, you know, gets -- but justly deserves.

SENATOR COLEMAN: Well I agree with that. Any questions? Seeing none. Good to see you, Ron. Dan Bolongnani. I'm sorry. I don't see Chris Wood in the room. Is -- okay.

DAN BOLONGNANI: Senator Coleman members of the committee, thanks for listening to my testimony today. My name is Dan Bolongnani, I'm the Executive Director of the Upper Housatonic Valley National Heritage Area. And I'm here to speak in support of House Bill 6584. And to represent my colleague Charlene Cutler whose the Executive Director of Quinebaug Shetucket, the National Heritage Corridor who couldn't make it today. Thank you to Representatives Widlitz and Merrill for bringing forward this bill.

I did provide written testimony too but it came in late. So it's been entered into the record back in your -- your office. The bill 6584, the Connecticut Heritage Area's Program would do these things. It would recognize the significant resources of National Heritage Areas in the State of Connecticut. And the National Heritage Areas and -- that National Heritage Areas identify, protect, enhance and promote the historic recreational, cultural, natural and scenic resources of our state.

Secondly, this program would acknowledge that each National Heritage Area of which there are two in Connecticut, the two that I mentioned. We both underwent a feasibility study by the National Park Service. And that feasibility study inventoried our resources as a prelude to our congressional designations as National Heritage Areas. Furthermore, each National Heritage Area operates according to a

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management plan that's required by federal legislation as well as subsequent management documents and those documents are recognized by the National Park Service.

Such management plans as we're required to have, chart specific goals and objectives that service benchmarks for evaluating progress in conservation, an enhancement of significant resources. Third, this bill identifies the two National Heritage Areas that are in the State of Connecticut, the Quinebaug Shetucket Rivers Valley National Heritage Corridor and the Upper Housatonic Valley National Heritage Area. Together these areas represent significant large tracks of heritage landscape in Connecticut, approximately 20% of the State of Connecticut.

Fourth, this bill recognizes the National Heritage Areas in Connecticut as significant resources. Fifth, this bill directs state agencies to include these two National Heritage Areas when they are undergoing planning processes and in documents that would recognize these heritage areas as significant state resources warranting preservations and enhancement. Sixth, the bill would direct state agencies to develop partnerships with the National Heritage Areas to preserve National Heritage and encourage responsible economic activities while maximizing scarce resources, including but not limited to environmental protection, heritage resource preservation, recreation, tourism promotion, trail development and signage.

The text of this bill would maximize federal resources that come to the National Heritage Areas through state partnerships that can be considered matching funds to our federal dollars. And would also help us to show

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greater support of our work to our congressional counterparts. Further this bill returns federal funds directly to the communities through grants programs and projects identified by the communities as important. And I'm almost done here.

The effect of this bill would also mitigate tough economic times by tremendously valuable cooperative partnerships between the state heritage program and the national heritage program. And would stretch scarce state dollars by creating these partnerships. What the bill will not do request any state funding. Would not give any regulatory authorities to the national heritage areas and would not impede existing state processes and procedures. And much to the point made earlier, our federal legislation specifically prohibits individual land use policy infringement. So, I know there was a worry expressed earlier in the day. But, we're expressly forbidden from treading on personal property rights.

I appreciate the opportunity to testify. Thank you Representative Flexer for making that clear earlier that this is a -- what we're looking for is to allow the state when they're doing similar work to what we're doing at the federal level, to partner with us. That's the whole intent of this bill. And we're not asking for money. And incidentally the bill that -- that we're looking at here, the version, we read it through. It's stellar. I think it's -- it's a nice -- very nice piece of work.

SENATOR COLEMAN: Thank you very much. Any questions? Seeing none. We appreciate your patience.



HOME BUILDERS ASSOCIATION OF CONNECTICUT, INC.
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*Your Home
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March 6, 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 1033, An Act Establishing a Tax Credit for Green Buildings

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.

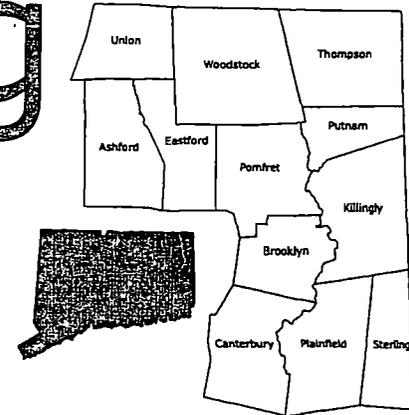
The HBA of Connecticut is deeply involved in green building issues and we conduct our own Build Green Connecticut™ Program (see our web site at www.hbact.org and click on Build Green Connecticut near the bottom of the home page). Tax incentives to help move the marketplace toward green building are a good idea, but we strongly urge the committee to amend RB 1033 to include other nationally recognized green building rating systems or standards.

In particular, we urge the committee to review Raised Bill 6284 (File Copy # 21), AAC Adoption of a Model Energy Code and Green Building Standards, unanimously passed by the Public Safety Committee. RB 6284 recognizes that three green building rating systems or standards are nationally recognized. In addition to the LEED Green Building Rating System, there exists the Green Globes rating system for commercial buildings and the National Green Building Standard for residential construction.

The National Green Building Standard is the only green building rating system that has been approved by ANSI, American National Standards Institute, as a national standard. LEED and Green Globes have not attained this status. LEED, Green Globes and the National Green Building Standard all compete for the attention of the marketplace. Adopting a tax credit for only one such system inappropriately interferes in this competition and ignores the reality that other nationally recognized rating systems or standards are equally, if not more, deserving of official state promotion.

Therefore, we respectfully request that the committee incorporate the National Green Building Standard, as approved by ANSI, in the bill to help move the residential marketplace toward more green building.

Thank you for the opportunity to comment on this important legislation.



testimony regarding

House Bill 6584
An Act Establishing a
Connecticut Heritage Areas Program

made before the

Planning and Development Committee

March 6, 2009

The Northeastern Connecticut Council of Governments fully **SUPPORTS** House Bill 6584, An Act Establishing a Connecticut Heritage Areas Program. We urge the Committee to give it **favorable consideration**.

The Quinebaug (which in line 16 of the bill is spelled wrong) and Shetucket Rivers Valley National Heritage Corridor fully covers the 12 towns that make up NECCOG. NECCOG was instrumental in the formation of the Corridor – providing its initial staffing. The Corridor has been and continues to be a positive force in the preservation, protection and enhancement of our region and the other towns that constitute the Corridor.

The proposal put forth in Senate Bill 6584 that in the development of the State Plan of Conservation and Development (Section 16a-24 ..) that ***“Any revision[to the State Plan of Conservation and Development] made after October 1, 2009, shall take into consideration the protection and preservation of Connecticut Heritage Areas” is a positive one and should be endorsed.*** We suggest that this proposal go the additional step of requiring both regional plans and municipal plans of conservation and development where such heritage areas are located also be required to consider the protection and preservation of heritage areas. Such a requirement should not increase the cost of the preparation of such plans.

Thank you for your consideration of our position. Should you need any additional information, please do not hesitate to contact us.



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*Your Home
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March 6, 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 6584, An Act Establishing a Connecticut Heritage Areas Program

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 opposes RB 6584. This bill requires the state plan of conservation and development (POCD) to incorporate the protection and preservation of new "Connecticut Heritage Areas." It also requires each state agency, department, board and commission to consider these new "heritage areas" in their planning documents and processes, which we assume means all state permits and approvals.

The definition of the new "heritage areas" is extremely sweeping and broad in scope. It includes a "place within the state" deemed by the legislature to have "significant historic, recreational, cultural, natural and scenic resources." The bill further begins down this new regulatory and planning path by recognizing two specific areas, which confirm our fear of its broad sweep (i.e., the two "places within the state" identified are the "Quinebog and Shetucket Rivers Valley" and the "Upper Housatonic Valley"). How large are these "places?" What new limitations on activities will be imposed on these "places?"

The incredibly broad scope of this new planning and regulatory overlay is fraught with unknown impact on the state's economy, on the rights of property owners and potential development. What is it about our existing byzantine and extensive regulatory structure that does not already protect our valuable natural and other resources? Do we really need to overlay our existing system of planning and regulatory controls on human activities with an unknown new set of principles that will lead to unknown regulatory controls?

Even in good economic times, CT needs to reform its planning and regulatory structure to be able to participate more in the fruits of the broader economy, i.e., compete with other places for investments. And, today, adding more layers of planning and regulations is unconscionable. We urge the committee to not support this bill.

Thank you for the opportunity to comment on this important legislation.

Representing the Home Building, Remodeling and Land Development Industries In Connecticut
"Enhancing Our Member's Value to Their Customers and Our Industry's Value to Society"



Housatonic Heritage

Connecticut General Assembly
Planning and Development Committee
Testimony on House Bill 6584, March 6, 2009

Mr. Co-Chairmen and Members of the Committee:

I am Dan Bolognani, Executive Director of the Upper Housatonic River National Heritage Area. I am here today to testify in support of House Bill 6584 and to also represent my colleague, Charlene Cutler, executive director of Quinebaug and Shetucket Rivers Valley National Heritage Corridor, who could not be here today. We thank Rep. Wilmot and Merrill for bringing forward this bill. We have provided written background information about our national heritage areas for your use.

The Connecticut Heritage Areas Program would:

1. Recognize the significant resources of National Heritage Areas in the State of Connecticut and that National Heritage Areas identify, protect, enhance and promote the historic, recreational, cultural, natural and scenic resources of our state;
2. Acknowledge that each National Heritage Area underwent a feasibility study and inventory of resources as a prelude to its congressional designation. Furthermore, each National Heritage Area operates according to a Management Plan required by federal legislation as well as subsequent management documents, and those documents are recognized by the National Park Service. Such management plans chart specific goals and objectives that serve as benchmarks for evaluating progress in conservation and enhancement of significant resources; and
3. Identify the two National Heritage Areas in the State of Connecticut: Quinebaug and Shetucket Rivers Valley National Heritage Corridor and Upper Housatonic Valley National Heritage Area. That together these areas represent the significant, large tracts of heritage landscape in Connecticut, approximately 20% of the state.
- 4.. recognize the national heritage areas in Connecticut as significant resources;
5. direct state agencies to include Connecticut National Heritage Areas in their planning processes and documents as significant state resources warranting preservation and enhancement; and
6. direct state agencies to develop partnerships with the Connecticut National Heritage Areas to preserve national heritage and encourage compatible

economic activities while maximizing scarce resources, including but not limited to environmental protection, heritage resource preservation, recreation, tourism promotion, trail development, and signage.

The effects of this bill would:

- Maximizes federal resources that come to the NHA through state partnerships that can be considered matching funds to the federal dollars, showing greater support for the NHAs mission and therefore, making their federal funding position stronger.
- Returns federal funds directly to the communities through grants, programs and projects identified by the communities' as important.
- Mitigates tough economic times by tremendously valuable cooperative partnerships.
- Stretches scarce state dollars by partnerships between NHAs and state agencies that will serve the interest of both parties and bring federal resources to the table.

What the bill will not do:

- Request state funding;
- Give any regulatory authority to the NHAs; or
- Impede existing state process and procedures.

We appreciate the opportunity to offer testimony today and would be happy to answer any questions you may have.

Dan Bolognani
Executive Director
Upper Housatonic River National Heritage Area

Charlene Cutler
Executive Director
Quinebaug and Shetucket Rivers Valley National Heritage Area

BACKGROUND

**CONNECTICUT NATIONAL HERITAGE AREAS
PROGRAM**

JANUARY, 2009

6584



QUINEBAUG AND SHETUCKET RIVERS

VALLEY NATIONAL HERITAGE CORRIDOR

26 Towns in Northeast Connecticut

www.thelastgreenvalley.org



UPPER HOUSATONIC VALLEY

NATIONAL HERITAGE AREA

9 Towns in Northwest Connecticut

www.upperhousatonicheritage.org

Description

QSHC includes 26 towns in northeast Connecticut; UHV includes 9 towns in northwest Connecticut. The Congress of the United States has designated these two areas of Connecticut as regions of national significance through PL103-449 as amended (1994), and PL 109-338 (2006), respectfully. Together, the QSHC and UHV include more than 20% of the geographic area of the State of Connecticut, including 35 towns. They also include an additional 31 towns in the Commonwealth of MA, representing bi-state efforts to conserve and enhance significant resources.

In the satellite image below, QSHC and UHV appear distinctively dark in the night sky amidst the urban and suburban glow from developed areas. These National Heritage Areas are the last remaining large areas of open space in Connecticut.



Present Authority

QSHC and UHV operate through guidelines provided in their federal enabling legislation.

Mission Statements:

QSHC

...to conserve, celebrate and enhance the significant historical, cultural, natural and scenic resources of The Last Green Valley while promoting quality of life based on a strong, healthy economy compatible with the region's character.

UHV

...exists to illuminate the diverse, rich identity of the Upper Housatonic River Valley region and to preserve and promote its historical, cultural and natural resources. We support, stimulate and advance the region's economic vitality and quality of life, looking towards a sustainable future for the benefit of residents and visitors. The National Heritage Area facilitates collaboration with regional organizations, working as a catalyst for regional thinking.

What is a National Heritage Area?

According to the National Park Service, a national heritage area is a place designated by the United States Congress where natural, cultural, historic and recreational resources combine to form a cohesive, nationally-distinctive landscape arising from patterns of human activity shaped by geography. These areas tell nationally important stories about our experience through both the physical features that remain and the traditions that have evolved within them.

There are 37 such areas of distinction in the U.S. and 2 of them are in Connecticut, a distinct honor for the State.

Significance and Accomplishments

QSHC

Congress found that:

- 1.) the Quinebaug and Shetucket Rivers Valley in the State of Connecticut and the Commonwealth of Massachusetts is one of the last unspoiled and undeveloped areas in the Northeastern United States (The Last Green Valley, 80% forests and farmland) and has remained largely intact, including important aboriginal archaeological sites, excellent water quality, beautiful rural landscapes, architecturally significant mill structures and mill villages, and large acreages of parks and other permanent open space;
- 2.) the State of Connecticut ranks last among the 50 States in the amount of federally protected park and open space lands within its borders and lags far behind the other Northeastern States in the amount of land set-aside for public recreation;
- 3.) the beautiful rural landscapes, scenic vistas and excellent water quality of the Quinebaug and Shetucket Rivers contain significant undeveloped recreational opportunities for people throughout the United States;
- 4.) the Quinebaug and Shetucket Rivers Valley is within a two-hour drive of the major metropolitan areas of New York City, Hartford, New Haven, Providence, Worcester, Springfield, and Boston. With the President's Commission on Americans Outdoors reporting that Americans are taking shorter 'closer to home' vacations, the Quinebaug and Shetucket Rivers Valley represents important close-by recreational opportunities for significant populations;
- 5.) the existing mill sites and other structures throughout the Quinebaug and Shetucket Rivers Valley were instrumental in the development of the industrial revolution;
- 6.) the Quinebaug and Shetucket Rivers Valley contains a vast number of discovered and unrecovered Native American and colonial archaeological sites significant to the history of North America and the United States;
- 7.) the Quinebaug and Shetucket Rivers Valley represents one of the last traditional upland farming and mill village communities in the Northeastern United States;
- 8.) the Quinebaug and Shetucket Rivers Valley played a nationally significant role in the cultural evolution of the prewar colonial period, leading the transformation from Puritan to Yankee, the "Great Awakening" religious revival and early political development leading up to and during the War of Independence; and
- 9.) many local, regional and State agencies, businesses, and private citizens and the New England Governors' Conference have expressed an overwhelming desire to combine forces: to work cooperatively to preserve and enhance resources region-wide and better plan for the future.

QSHC significant resources in the State of Connecticut:

- 1.) Two of the most scenic and productive river systems in New England;
- 2.) More than 80 ponds and lakes with exceptional water quality and habitats;
- 3.) Seven State forests, including the largest in Connecticut;
- 4.) Sixteen State wildlife management areas;
- 5.) Five State parks comprising thousands of acres;
- 6.) More than 130 miles of trails including the East Coast Greenway, a National Millennium Trail;
- 7.) Ninety-six properties listed on the National Register of Historic Places;
- 8.) Thirty-six National Register Historic Districts, each including many significant historic structures in their original context;
- 9.) Five National Historic Landmarks;
- 10.) One archaeological district, 3 significant archaeological sites on the National register.

QSHC accomplishments to date:

- 1.) Thousands of individuals, hundreds of nonprofits, businesses, local and regional organizations, 35 towns and two states have worked under the designation of QSHC to preserve and enhance the significant natural, historic, cultural and scenic resources of The Last Green Valley (QSHC);
- 2.) The Green Valley Institute, a partnership with the Universities of Connecticut and Massachusetts Cooperative Extension System, has significantly improved the information base from which land use and natural resource conservation decisions are made by primarily volunteer municipal officials;
- 3.) The Green Valley Institute has been recognized with eight state and national awards for public education in the past three years, including the 2005 Public Education Award from the American Planning Association;
- 4.) Significant historic structures have been identified and restored under the programs of QSHC;
- 5.) QSHC has assembled museums, attractions, landscapes and businesses into cohesive interpretive projects that tell the stories of The Last Green Valley for residents and tourists alike;
- 6.) QSHC has developed agri-tourism programs, data collection and analysis and continuing education in its vision of sustaining the traditional land-based economy of the region;
- 7.) Recreational tourism has been enhanced by the many trails, greenways, river access and interpretive projects of QSHC;
- 8.) Each of the 35 municipal governments within QSHC has signed a voluntary, non-binding community compact accepting the goals and objectives of the Corridor's management plan and formalizing their commitment to balance conservation and growth and their collective vision for the watershed.

UHV

Congress has found:

- 1.) UHV is a singular geographical and cultural region that has made significant national contributions through its literary, artistic, musical and architectural achievements, its iron, paper and electrical equipment industries, and its scenic beautification and environmental conservation efforts.
- 2.) UHV has 139 properties and historic districts listed on the National Register of Historic Places and four National Natural Landmarks – including Beckley Bog, Norfolk, CT, Bingham Bog in Salisbury, CT and Cathedral Pines in Cornwall, CT.
- 3.) Writers, artists, musicians and vacationers have visited the region for more than 150 years to enjoy its scenic wonders making it one of the country's leading cultural resorts.
- 4.) The UHV has made significant national cultural contributions through writers, visual artists and performing artists.
- 5.) The UHV is noted for its pioneering achievements in the iron, paper, and electrical generation industries and has cultural resources to interpret those industries.
- 6.) The region became a national leader in scenic beautification and environmental conservation efforts, following the era of industrialization and deforestation and maintains a fabric of significant conservation areas including the meandering Housatonic River.
- 7.) Important historical events related to the American Revolution, Shay's Rebellion, and early civil rights took place in UHV.
- 8.) The region has an American Indian presence going back 10,000 years and Mohicans had a formative role in contact with Europeans during the 17th and 18th centuries.
- 9.) The UHVNHA has been proposed (and designated) in order to heighten appreciation of the region, preserve its natural and historical resources, and improve the quality of life and economy of the area.

UHV accomplishments to date:

- 1.) October Weekends of Heritage Walks (since 2002) – more than 40 walks ranging from hiking the Appalachian Trail to exploring architecture in Falls village.
- 2.) Iron Heritage Trail (since 2001) – programs, events and a brochure describing the region's nationally important 1734-1923 iron industry.
- 3.) African American Heritage Trail (since 2004) – events, restorations, a 250-page heritage book and trail brochures cover the region's significant African American heritage.

4.) UHV Experience (since 2004) – graduate level course for local teachers focusing on UHV’s industrial and environmental heritage.

5.) Performing Arts Heritage Trail (since 2006) – work is underway to research the regional heritage and prepare a descriptive brochure.

How do QSHC and UHV work?

- ◆ They develop and maintain partnerships among local, regional, state and federal entities to fulfill their missions.
- ◆ They act as educators/facilitators to motivate independent actions.
- ◆ They take action through specific projects and programs when they are the only or the most appropriate entities to bring about initiation or successful completion of critical work relating to their mission.

Management Entities

Both QSHC and UHV are managed by non-profit organizations that are designated as the appropriate management authority in their federal enabling legislation.

Quinebaug-Shetucket Heritage Corridor, Inc.

P.O. Box 29, 111 Main Street
Danielson, CT 06239-0029
860-774-3300

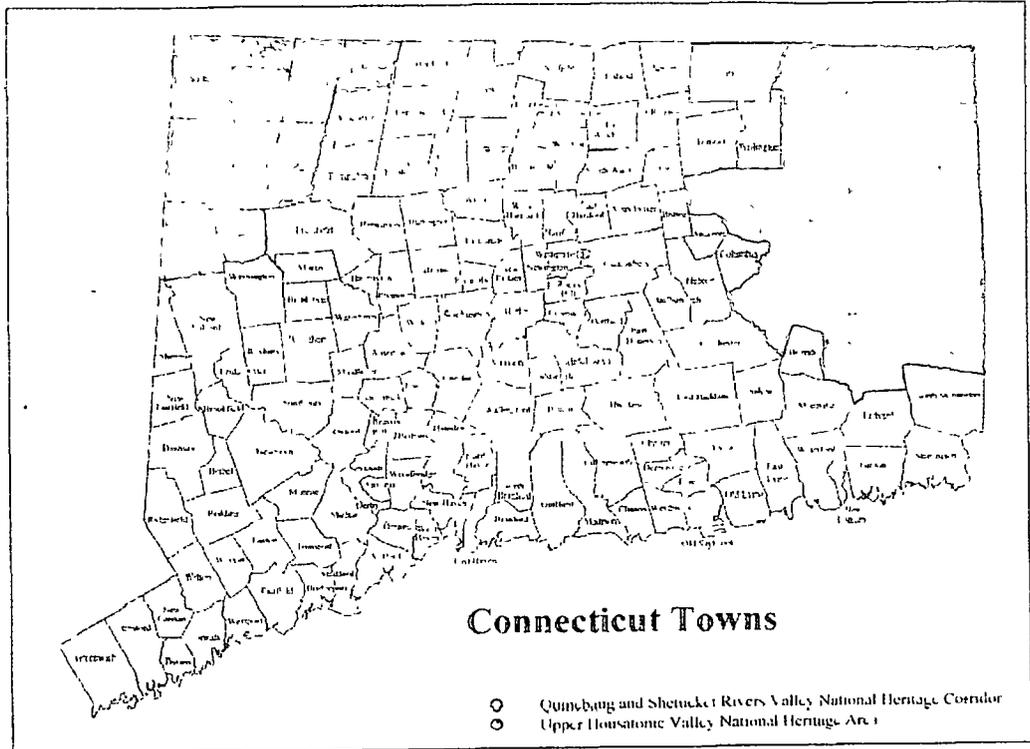
Executive Director & CEO: Charlene Perkins Cutler
Charlene@tlgv.org

UHVNHA, Inc.

P.O. Box 493
Salisbury, CT 06068
860-435-9878

Executive Director: Dan Bolognani
info@housatonicheritage.org

CT State Perspective



CONNECTICUT TOWNS LOCATED IN NATIONAL HERITAGE AREAS**Quinebaug and Shetucket
Rivers Valley NHC**

Ashford
Brooklyn
Canterbury
Chaplin
Coventry
Eastford
Franklin
Griswold
Hampton
Killingly
Lebanon
Lisbon
Mansfield
Norwich
Plainfield
Pomfret
Preston
Putnam
Scotland
Sprague
Sterling
Thompson
Union
Voluntown
Windham
Woodstock

Upper Housatonic Valley NHA

Canaan
Colebrook
Cornwall
Kent
Norfolk
North Canaan
Salisbury
Sharon
Warren

Population and Area NHA Towns in CT

Data from U. S. Census Bureau, based on 2000 census and projected growth to 2006

| Town | Population | Area (sq.mi.) | Town | Population | Area (sq.mi.) |
|-------------|---------------|---------------|------------|--------------|---------------|
| QSHC | | | UHV | | |
| Ashford | 4435 | 39.5 | Canaan | 1102 | 33.3 |
| Brooklyn | 7801 | 29.1 | Colebrook | 1545 | 31.5 |
| Canterbury | 5092 | 40.2 | Cornwall | 1488 | 43.3 |
| Chaplin | 2507 | 19.6 | Kent | 2968 | 49.6 |
| Coventry | 12194 | 38.4 | Norfolk | 1677 | 45.3 |
| | | | North | | |
| Eastford | 1787 | 29.2 | Canaan | 3385 | 19.5 |
| Franklin | 1892 | 19.6 | Salisbury | 4044 | 60.1 |
| Griswold | 11238 | 37.1 | Sharon | 3056 | 58.7 |
| Hampton | 2081 | 25.5 | Warren | 1384 | 27.6 |
| Killingly | 17646 | 50 | | 20649 | 368.9 |
| Lebanon | 7302 | 54.1 | | | |
| Lisbon | 4178 | 16.6 | | | |
| Mansfield | 24756 | 45.5 | | | |
| Norwich | 36324 | 29.5 | | | |
| Plainfield | 15417 | 43 | | | |
| Pomfret | 4165 | 40.3 | | | |
| Preston | 4882 | 31.8 | | | |
| Putnam | 9307 | 20.4 | | | |
| Scotland | 1721 | 18.7 | | | |
| Sprague | 2979 | 13.8 | | | |
| Sterling | 3650 | 27.3 | | | |
| Thompson | 9306 | 48.7 | | | |
| Union | 752 | 29.8 | | | |
| Voluntown | 2603 | 39.8 | | | |
| Windham | 23770 | 27.9 | | | |
| Woodstock | 8187 | 61.8 | | | |
| | 225972 | 877.2 | | | |

**STATE SENATORS AND REPRESENTATIVES FROM THE NATIONAL HERITAGE
AREAS IN CONNECTICUT**

Senators

Anthony Guglielmo
Andrew Maynard
Edith Prague
Andrew Roraback
Donald E. Williams

Representatives

Mike Alberts
Penny Bacchiochi
Mary Ann Carson
Christopher D. Coutu
Mae Flexner
Bryan Hurlburt
Shawn Johnston
Joan Lewis
Denise Merrill
Steven Mikutel
Craig Miner
Melissa Olson
Walter Pawelkiewicz
Tom Reynolds
Kevin Ryan
George Wilber
Roberta B. Willis