

Act Number: 09-230

Bill Number: 6467

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House Pages: 3053-3090, 9949-9978 68

Committee: Planning and Development: 820-823, 827, 837- 84
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House.

THE CHAIR:

Seeing no objections, sir.

SENATOR LOONEY:

Thank you, Mr. President.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar Page 9, Calendar Number 621, File
Number 549 and 927, substitute for House Bill 6467, AN
ACT CONCERNING SMART GROWTH AND THE STATE PLAN OF
CONSERVATION AND DEVELOPMENT POLICIES PLAN, as amended
by House Amendment Schedule A, favorable report of the
Committees on Planning and Development, and
Appropriations.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President. I move acceptance of
the joint committees' favorable report and passage of
the bill.

THE CHAIR:

Acting on approval and acceptance of the bill,
sir, would you like to remark further?

SENATOR COLEMAN:

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Yes, Mr. President. The State Plan of Conservation and Development is a very important planning tool for the State of Connecticut. It's become increasingly more complicated to prepare this particular plan. The underlying bill, House Bill 6467, would provide for a two-year extension to the Office of Policy and Management for the purpose of updating and revising the State Plan of Conservation and Development.

Also, Mr. President, the Clerk should have an amendment, LCO 7908, I'd ask that the Clerk please call that amendment and that I be permitted to summarize the amendment.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 7908, which will be designated Senate Amendment Schedule; it's offered by Senator Coleman of Senate A the 2nd District, et al.

THE CHAIR:

There's a motion on the floor by -- for summarization. Seeing no objection, please proceed, sir.

SENATOR COLEMAN:

Thank you, Mr. President. I move adoption of the

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amendment.

THE CHAIR:

Motion on the floor for adoption. Without objection, please proceed, sir.

SENATOR COLEMAN:

LCO 7908 does primarily three things: First, it adds some flexibility to the smart-growth principle regarding housing. The language in the underlying bill requires housing to be located near transportation centers and employment centers. This amendment adds the language "or locations compatible with smart growth." Secondly, the amendment adds the integration of the State plan with municipal and local plans, as an issue to be studied by the continuing Legislative Committee on the State Plan of Conservation and Development. And, thirdly, the amendment strikes a section of the underlying bill that required the State plan to be consistent with the municipal Plans of Conservation and Development.

I move adoption of the amendment, Mr. President.

THE CHAIR:

Motion is on adoption.

Will you remark further on Senate A?

Senator Fasano.

SENATOR FASANO:

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Thank you, Mr. President. Mr. President, I rise in support of this amendment. Mr. President, this amendment is required in order for us to move forward with our State Plan of Conservation and Development in a meaningful manner. There's language that's been worked out between both parties, as well as OPM, and I support this amendment. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate A? Will you remark further? If not, let me try your minds. All those in favor, please signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

Opposed, nays.

SENATORS:

No.

THE CHAIR:

The ayes have it. Senate A is adopted.

Will you remark further on House Bill 6467, as amended by Senate A?

Senator Coleman.

SENATOR COLEMAN:

Mr. President, if there is no objection and no

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further comment, I'd move that this item be placed on the Consent Calendar.

THE CHAIR:

There's a motion on the floor to place this item on the Consent Calendar. Without objection, so ordered.

Mr. Clerk.

THE CLERK:

Calendar Page 12, Calendar Number 653, File Number 511 and 960, substitute for House Bill 6426, AN ACT IMPROVING BROADBAND ACCESS, as amended by House Amendment Schedule A, favorable report of the Committees on Energy and Technologies, and Government Administration and Elections.

THE CHAIR:

Senator Fonfara.

SENATOR FONFARA:

Thank you, Mr. President. Good evening.

THE CHAIR:

Good evening.

SENATOR FONFARA:

Mr. President, I move for acceptance of the joint committees' favorable report and passage of the bill.

THE CHAIR:

Acting in acceptance and approval of the bill,

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Senate A is adopted. Will you remark further on House Bill 6426, as amended by Senate A?

Senator Fonfara.

SENATOR FONFARA:

Unless there's objection, Mr. President, I move this to the Consent Calendar.

THE CHAIR:

There's a motion on the floor to place the item on Consent. Without objection, so ordered.

Senator Looney.

SENATOR LOONEY:

Mr. -- Thank you, Mr. President. Mr. President, if the Clerk would call the items on the Third Consent Calendar.

THE CHAIR:

Mr. Clerk, please call Consent Calendar Number 3.

THE CLERK:

Immediate roll call has been ordered in the Senate on Consent Calendar 3. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate on Consent Calendar Number 3. Will all Senators please return to the chamber.

Mr. President, Consent Calendar Number 3 begins on Senate Agenda Number 2, House Joint Resolution

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Number 123. Calendar Page 9, Calendar Number 621,
substitute for House Bill 6467; Calendar Page 13 --
correction -- Calendar Page 12, Calendar Number 653,
substitute for House Bill 6426; Calendar Page 13,
Calendar 659, House Bill 6459; Calendar Page 16,
Calendar Number 687, House Bill 6 -- correction --
House Bill 5875; and, Calendar Page 18, Calendar 698,
substitute for House Bill 6339. Mr. President, that
completes those items placed on the Third Consent
Calendar.

THE CHAIR:

If you can call Consent Calendar Number 3, again,
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 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
locked. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar

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Number 3:

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

THE CHAIR:

Consent Calendar Number 3 passes.

Senator Looney.

SENATOR LOONEY:

Yes; thank you, Mr. President. Mr. President, would move for immediate transmittal to the House of Representatives of any items acted upon since our last -- since the last motion, including those on Consent Calendar Number 3 that may require additional action by the House of Representatives.

THE CHAIR:

Seeing no objection, so ordered, sir.

Senator Looney.

SENATOR LOONEY:

Yes; thank you, Mr. President. Mr. President, one additional item to mark go, to be taken up at this time as our final item of business for this evening. And that is on Calendar Page 23, Calendar 722, House Bill 6097.

THE CHAIR:

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does. This bill simply bases premiums on a portion of call volume when we all know that there will be calls outside the primary service area. In many cases, a material number of calls, so why then are they not included in the premium calculation? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Olson of the 46th, you have the floor, madam.

REP. OLSON (46th):

Good afternoon, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Good afternoon, madam.

REP. OLSON (46th):

I would move that we pass this bill temporarily.

DEPUTY SPEAKER ALTOBELLO:

Without objection, so ordered.

With the Clerk please call Calendar 376.

THE CLERK:

On page 42, Calendar 376, substitute for House Bill Number 6467, AN ACT CONCERNING SMART GROWTH AND PLANS OF CONSERVATION AND DEVELOPMENT, favorable report of the Committee on Appropriations.

DEPUTY SPEAKER ALTOBELLO:

From the foothills of the sleeping giant,
Representative Sharkey of the 88th, you have the
floor.

REP. SHARKEY (88th):

Thank you, Mr. Speaker. Good afternoon.

Mr. Speaker, I move acceptance of the joint
committee's favorable report and passage of the bill.

DEPUTY SPEAKER ALTOBELLO:

The question before the chamber is adoption of
joint committee's favorable report and passage of the
bill. Representative Sharkey, do you care to comment
further?

REP. SHARKEY (88th):

I do, Mr. Speaker. Thank you.

DEPUTY SPEAKER ALTOBELLO:

Please proceed.

REP. SHARKEY (88th):

Mr. Speaker, the bill that we have in front of us
today is really the next step in the process of making
Connecticut more competitive as a state for the 21st
century. We all know that we have a system in the
state that is 350 plus years old and it was a system
that worked very well in many ways throughout our
history from the 1600s to today. There are many

things about the system that continue to work well, but one of the things that has changed is that over the years and over the centuries, we are not in a position now where cities in Connecticut, within Connecticut such as New Haven and Hartford should be competing with each other for new development.

And in this time and age, in the 21st century, Connecticut is no longer competing for jobs, economic development, growth opportunities, with neighboring states like Massachusetts and Rhode Island and New York, but rather Connecticut is competing with China, with India, with Central America and Europe for new development opportunities, new growth opportunities and we have to make certain that we are adopting a method of growth that can sustain our development into the 21st century, allow our growth to continue without sacrificing and compromising the natural resources and the benefits of what we've developed over the last 350 years that we've all grown to know and love here in the state.

So that concept of growth with protections is really what smart growth is all about. What smart growth calls for is a coordinated approach at the state, regional and local level in Connecticut to

promote development in many different ways and forms in an effort to grow jobs, make our economy strong, make ourselves competitive internationally, as well as within our own country, but at the same time not sacrifice the natural resources that we have in our state that we've also known and come to love in this state.

We took initial steps two years ago along this process. In 2007, we actually reached somewhat of a threshold moment when we actually adopted a number of initiatives that really moved this idea forward. Public Act 07239, which is an act concerning responsible growth, was really that first step that this legislator -- legislature took at the close of the 2007 session. It created a responsible growth task force. It also created regional performance incentive grants and funded them that would encourage our towns and cities to find ways of creating more efficiencies at the local level by combining goods and services and providing them would be start up money necessary to make those kinds of initiatives happen. That program has been tremendously successful. The \$8 million that we appropriated back in 2007 has been completely used, has completely been identified by

regions throughout the state and the benefits that have been generated from that initial investment we've made two years ago are now being reaped by our cities and towns in terms of cost efficiencies on things like combined purchasing, on things like regional E-911 centers and the like. All things that required a little bit of money to get it started, but that made common sense for cities and towns.

In 2007, we also adopted a landmark piece of legislation called the Home Connecticut Bill. Home Connecticut is a new way of developing housing in the state of Connecticut that rather than doing it on a confrontational basis way we did 20 years ago under the 8-30G statute, Home Connecticut actually encourages towns and developers to work together to come up with places where higher density housing is appropriate around transportation, around employment centers, around municipal centers and provide developers with increased density as a bonus and affordable elements to it, but doing it in a way that's a Corporation with cities and towns. That program has also been tremendously successful. Since we first adopted and funded that program in 2007, 53 of our 169 towns have requested the first round of

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technical assistance grants from OPM to try to develop these kinds of plans. Unfortunately, we're in a budget crunch. That bill and that money is potentially going to be swept and I would encourage my colleagues to push to keep that many. But that's the kind of initiative that we started two years ago. The governor also showed leadership on this two years ago through the Executive Order 50, which established an interagency task force among state agencies to work together on projects of significance about development projects and make sure that we were doing all that we could to try to make our state more competitive, more friendly and more smart growth oriented.

Will, that was 2007. And since that time about a year ago, we decided that a lot of us decided I think legislators become members of the public that together and realized that we needed to take this next. We need to actually start incorporate in the concepts of smart growth really into everything that we do within state government and also at the regional and local Hall's. Those kinds of concepts include the concept of regionalism, which will be incorporated in a bill that we'll be taking up later. Making our state more competitive for development to occur by streamlining

and helping to move projects forward to, some of those bills we've already done and we will be doing a few more as we go on. But that, a year and a half ago, those folks who have been interested in the subject came together and formed what's called the smart growth working group which worked throughout 2008 and into the early parts of 2002 developed a legislative agenda around this concept of smart growth in terms of how we can implement those concepts into our state regional and local governments. This bill is the culmination of much of that work. What this bill does is define smart growth in tangible terms that makes it clear that this is the direction we want the state to go in, both as a concept and in principles that can be adopted within our -- within and throughout our state.

That having been said Mr. Speaker, the Clerk as an amendment, LCO 6691. I ask that it be called and I be given leave of the chamber to summarize.

DEPUTY SPEAKER ALTOBELLO:

With the Clerk please go LCO 6691, which shall be designated House Amendment Schedule A.

THE CLERK:

LCO 6691, House A offered by Representative
Sharkey.

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DEPUTY SPEAKER ALTOBELLO:

Representative seeks leave of the chamber to summarize. Hearing no objection, please proceed, sir.

REP. SHARKEY (88th):

Thank you, Mr. Speaker. Mr. Speaker, the LCO, the amendment that we have in front of us is actually a struggle amendment from the original bill, HB 6467. It contains the original provisions of that bill, including the definitions of both smart growth as a concept as well as the principles of smart growth that we would want to adopt. We made a couple of changes to that which to those definitions which, frankly, after 15 months of working with advocates from all sides of the development community, the environment committee, from members of the Democratic legislature and the Republican side of the Legislature, we've come up with these definitions in an effort to help make clear as to what we are trying to accomplish. Those efforts are not always going to be perfect. Folks always want to push for their emphasis and their ideas more than others, but this really establishes and represents a lot of work that was put into by many, many people both public and private in a very public way to come up with a concise and -- a concise

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consensus on what we mean when we talk about smart growth and where that, hopefully that will go. The amendment also merges into the underlying bill with the definition that the language of House Bill 6595, which calls for a two-year extension in the completion of the state of conservation and development which OPM had already requested of us as a legislature. It's a two-year delay because what the two years will do is allow in the first year for the continuing committee of the plan of conservation and development to really look at how we go about developing the statement of conservation and development as a whole. There's been a lot of emphasis within our working group over the last 15 months on the notion that we are building state plans of conservation and development on from the top down. In other words if the state imposes a plan that it expects regions and towns to that coincide with and oftentimes, that top-down approach does not necessarily reflect what's actually happening on the ground at the local level and that creates a conflicts at the local and regional level.

So what the plan of conservation -- or what the continuing committee on the plan will do over the next year is evaluate that system and whether or not we

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should be changing the way we do -- develop that plan so that it is a more grown-up approach. The other thing that the committee will be doing is looking at the ways in which smart growth and the definitions that we're adopting in this bill can be incorporated into the state plan of C and D and also, then be incorporated in the activities and the actions of our state agencies.

As amended, Mr. Speaker, I think this bill moves this for -- moves our state forward in dramatic ways. I would urge its adoption. And I would move adoption. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Sharkey.

Ranking member of the Planning and Development Committee, Representative Aman of the 14th District, you have the floor, sir.

REP. AMAN (14th):

Yes. Thank you very much Mr. Speaker. I will be asking questions after the amendment is passed. I urge my colleagues to support the amendment. I think it does improve the overall concept of the two bills. And upon its passage, I will be asking several questions regarding the bill or the amendment, which

will then be to bill. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Aman.

Representative Chapin of the 67th, you have the floor, sir.

REP. CHAPIN (67th):

Thank you, Mr. Speaker. Mr. Speaker, through you, some questions to the proponent, please.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. CHAPIN (67th):

Thank you, Mr. Speaker. In the amendment before us we're defining both smart growth as well as principles of smart growth. And I recall the debate from 2005 on growth management principles and I'm -- I think it was Public Act 270 from 2005. And I'm wondering how the principles in lines 12 and on in this amendment relate to those growth management principles that are in statute, placed there under Public Act 5-205. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker. It's an excellent

question and I appreciate it. These personals are not meant in any way to supplant the growth management principles that we adopted in 2005. In fact, we hope that what they will do is compliment them. But these principals also are designed to go beyond just land-use planning and growth planning. It's really -- smart growth is really designed to get into the other policy issues of state government over and above what is incorporated in the growth management principles. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker, and again, through you, so is it fair to say that in your characterization of the growth management principles solely relate to local land use and planning decisions, whereas the smart growth principles are more comprehensive and encompass areas greater than just land use itself, for instance, maybe tax policies? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY (88th):

Yes, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker and I thank the Chairman for his answers. I may have questions or comments after this amendment is taken care of. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Chapin.

Further on House A? Further on House A, which would become the bill if no other amendments are called? Further on house a? If not, I'll try your minds. All those in favor, please signify by saying, aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

Opposed.

The ayes have it. House A is adopted.

Further on the bill as amended? Further on the bill as amended? Representative Aman of the 14th, as promised, you're back with some questions. Please proceed, sir.

REP. AMAN (14th):

Thank you very much, Mr. Speaker. First of all, I would like to thank the Chairman of the Planning and Development Commission. We had worked very carefully on this bill over the, probably the last six or seven months. I want to emphasize to the members of the chamber that this is a bill that was put together by a lot of people with a lot of very, very different views. I doubt if there is anybody that you're going to speak to that is a hundred percent happy with this bill. At the same time, I think that all of us who were working on it have come to the agreement that what we have here is something that we can definitely all live with.

One of the original problems with the term "smart growth" that I had and many of us had at the time; was that we equated smart growth with no growth. That the idea of smart growth would be that we'd put a ring around our cities and no further construction would happen outside of that. And obviously, that was something that I could not approve of. There were also talks about a tremendous amount of restrictions on what the municipalities could or could not do that I felt definitely harmed the concept of home rule.

Again, this bill makes it, I think, very clear that home rule is there. It is still the towns primarily -- responsibility to determine how it is done. The -- tying in with that, there were many people who were -- wanted a very heavy top-down, that Hartford knew what should be done. Hartford knew how an area should be developed and the towns and municipalities should live with what Hartford says. And again, that is not in there.

There was a lot of discussion on regionalism and I think this bill addresses regionalism on a carrot approach, a way of encouraging municipalities to join together. Many of them are already doing it. This bill is designed to encourage more of that, to bring it more out in the open, to let other communities see how cooperation working and join in. I think that will definitely be part of the savings of money, which is obviously and tremendously important to everyone this coming year.

The sections of the bill with the P and D plan -- we talked at length that some of our committee meetings as to how we could adapt the plan of the plan for conservation and development and decided, finally, that it was way too complicated to try to do in a bill

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to bring out, that we would be much better off setting up a study group or a task force to actually work with it and come back with a formal plan to the Legislature that would come in. That P and D plan that is -- comes out is incredibly important to each of your municipalities because the State follows that plan and it affects the funding for many of your activities. So the towns do have to have their own plan of development. I believe that almost all of them do and the state plan will have to reflect that, but we will be working with that over the coming year.

I do have a couple of questions for the proponent of the bill.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. AMAN (14th):

Yes, to the Chairman. The question was asked earlier, but I think if you could amplify a little bit about how smart growth and responsible growth interlock with each other going forward for the plan of development and also for other legislation.

Through you, Mr. Chairman.

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

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REP. SHARKEY (88th):

Through you, Mr. Speaker, I have always felt and I think it's -- the body should understand that the term responsible growth and smart growth, I think, can be used interchangeably. The bills that we adopted two years ago in 2007 included the language and the phrase, "responsible growth" and I think that that certainly encompasses that incorporates the same concepts as smart growth. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

Yes, thank you. Looking at Section 2, the area in lines 32 through 39, the bill talks about the continuing legislative Committee on State Planning and Development, studying the plans. And a couple of different places, at one point it says, not limited to, and then in another place it talks about the application of such plan and principles to smart growth. And it's my understanding, and I just want to make sure the legislative intent is set there, that this continuing legislative Committee on the State Planning and Development not only looks at the state plan for the smart growth, but all of the other things

that are included in there, such as economic and community development, risks associated with natural hazards and the programs that they have to describe how and whether they're going to be successful.

And through you, Mr. Speaker, I would just like a confirmation that that is the legislative intent, that that committee, in its study, cover all parts of the plan and development and not just the section that we talk about smart growth. Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker, the ranking member's description of that intent is accurate.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

Thank you. Again, I will ask my colleagues to vote for this. Again, as I said the beginning, there are so many different interest groups that were involved in putting this together. I don't think anyone is a hundred percent happy. I don't think anybody is a hundred percent angry at this bill.

I do think that as this plan goes forward there

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is going to be some very, very interesting discussions within the Planning and Development Committee and that most likely, we will be back, in years going forward just like there has been, changes in the plan. As we develop as a State, things continually change and I think the State has to have the flexibility to respond to it. So, I thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, representative Aman.

Representative Miner of the 66th District, you have the floor, sir.

REP. MINER (66th):

Thank you, Mr. Speaker and good afternoon. If I might, a few questions to the proponent of the bill, as amended.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. MINER (66th):

Thank you, Mr. Speaker. Mr. Speaker, as amended, it's my understanding that within lines 98 through 104, the state plan would be required to be consistent with the local plans. Is that correct? Through you, Mr. Speaker.

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Representative Sharkey.

REP. SHARKEY (88th):

That is correct, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Miner.

REP. MINER (66th):

So, for instance, in the town of Litchfield, if there was currently a difference between the state plan and the local plan, the State would be under an obligation at its next iteration to conform, through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker, yes. To conform or explain why it is not in conformance with the local plan.

DEPUTY SPEAKER ALTOBELLO:

Representative Miner.

REP. MINER (66th):

And as that is drafted and now part of the bill, there would be no obligation under this bill for the local plan to change to conform to the state plan. Through you.

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DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY (88th):

As currently drafted, that's correct,
Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Miner.

REP. MINER (66th):

Does that mean there's another amendment?
Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY (88th):

Not that I know of, Mr. Speaker. Perhaps in a
year from now.

DEPUTY SPEAKER ALTOBELLO:

Sharkey -- Miner.

REP. MINER (66th):

Thank you, Mr. Speaker and I thank the gentleman
for his answer. If I could then go to lines 148 and
149, where the bill appears to say that the state plan
has to be consistent with recommendations of the
Connecticut Climate Change Action Plan. If there were
a case where the local plan wasn't consistent with the

state plan and therefore, wasn't consistent with the Connecticut Climate Change Action Plan, under this bill as it's drafted, there would be no requirement for the municipality to change its plan. Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker, not currently under this language. I think, I would say for the purpose of intent that the bill to which Representative Aman earlier -- the portion of the bill to which Representative Aman earlier alluded to, which is the section involving the continuing committee on the plan of conservation and development performing a study of the overall plan.

To the extent there's some inconsistencies, there are some things that we may want to tinker with in terms of how these plans will coordinate with each other. That's really the purpose of what this study will be over the course of the next year. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker and I thank the gentleman for his answers. If we could go then just the last paragraph of the bill where it talks about local plans being adopted within accordance of the regulations that we've established for them to do that. On a periodic basis we require municipalities to actually go back and reconsider their plans and make changes as they deem necessary. This appears to make a change in a way that would make municipalities ineligible for funding for certain things. Through you, discretionary state funding; could the gentleman tell me what those things are, please, through you?

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker, currently discretionary state funding involves state, usually bond money, but other types of grant funds as well, that are utilized or that are granted by the State and -- but given to municipalities. The classic example, I think, that everyone is familiar with is Clean Water Act money for the expansion of sewers and/or water treatment facilities. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

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Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. So on or after the first day of July, 2012, then each municipality would have completed that update, and if they did not, they would not be eligible for those discretionary funds. Those do not include education cost sharing. Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY (88th):

That's correct.

DEPUTY SPEAKER ALTOBELLO:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. Town aid road. Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY (88th):

I don't understand the town aid road currently is subject to these provisions in the current statute, that non compliance -- I'm trying to remember if -- I'm not sure if I know the answer to that, whether town aid road is actually a requirement, whether

compliance with the state plan of C and D is a requirement to the receipt of TARP money. So I would have to defer on that. I'm not exactly sure.

DEPUTY SPEAKER ALTOBELLO:

Representative Miner.

REP. MINER (66th):

Right. Thank you, Mr. Speaker. And so, just, I guess, that would give us an opportunity between now and the end of session, maybe to, kind of, touch base on what is included in the discretionary funds. But just to be sure for legislative intent, the compliance point that you make is that a municipality would have to be compliant with the regulation, that they reconsider their local plan, not complaint -- that the local plan mirror the state plan. It's only that they need to be compliant under the requirement to revisit that local plan.

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker, for legislative intent, yeah. The purpose of the statute is to require towns to continually update their plan. Now its compliance with the state plan is now, not necessarily A, one of

the elements that must be included, but the updating of the plan at the local level is still a requirement.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker and I thank the gentleman. What is really important in this last section, I think, for all of us, is that we do have some method of communication with each of our municipalities. At some point in the future, somebody is going to be out of pool of funding in this case. If they've not managed to keep up with our requirements in terms of their review of their own local plans, it is conceivable that we'd be sitting here some night and find out that the town of Warren, for instance, might not be eligible.

So I'm certainly going to make an effort to let the municipalities I serve know that this is coming and that we've been at this a while, so I understand why we would want to try and ratchet up that requirement for municipalities to do some kind of self consideration as to how they're going to develop. And I am very pleased with the change in language that

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clearly provides an opportunity for the State's plan, for the first time to consider itself as a collection of all the pieces, rather than that plan that the towns get to follow. Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Miner.

From the -- from Shelton, the distinguished hometown of wiffleball, Representative Miller of the 122nd, you have the floor, sir.

REP. MILLER (122nd):

Thank you, Mr. Speaker. How you doing? Is there a lawyer available? Thank you, Mr. Speaker. I have a couple questions to distinguished chairman of the Planning and Development Committee.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. MILLER (122nd):

On line 32 and 33, the continuing legislation -- legislative committee on state planning and development will conduct a study of the state plan of conservation and development and report back in February of 2010. What would be the goal of this study? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker, as the gentleman, I'm sure, is aware, the continuing committee on the state plan of conservation and development is essentially like -- essentially an appeals board, that local property owners and towns can go to if a proposed development is out of compliance with the state plan, as far as what can occur on that particular property.

If a town agrees that they want to see, say, a sewer extension into an area that the state has designated as a conservation area, for example, where sewer systems currently don't exist, they would, in theory, go to OPM and then in turn, come to this, to the continuing committee to determine if we are -- if the continuing committee is willing to allow that variance from the state plan of conservation and development, and thereby allow the development to go forward without the loss of discretionary state funding.

In this case, what this portion of the bill does is empower that same committee that deals with the state plan of conservation and development to look at how we go about developing the state plan of

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conservation and development. We'd have to do it every five years and renew it every five years, but what we've learned over the course of the last 15 months of the smart growth working group is that oftentimes, that plan is out of sync with what is actually happening on the ground locally with towns and cities. And that's why we try to include in this amendment as well as in this study an evaluation of how we go about doing that plan, so that we can make sure that we're incorporating smart growth principles into the plan, but also understand if how we can make the state plan more of a ground-up document as opposed to a top-down document, if the gentleman will allow that analogy. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Miller.

REP. MILLER (122nd):

Thank you. And through you, Mr. Speaker, preservation of housing affordable to households, would in fact -- regarding affordable housing, as we proceed with the plans of conservation and development and updates and studies, will affordable housing ever come into the plan where the State would now bypass 8-30g and maybe interfere with funding of something in

that particular community if the town were opposed to a complex or an application of affordable housing? I'm just, kind of, thinking ahead and ask for your opinion. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker, the -- I believe no. I believe the answer to that question would be no because really what we're trying to do is empower local communities a bit more in terms of how they want -- they go about planning for their own development and growth. So if a community believes that certain areas should be protected from growth that they would -- through a revised method of developing these plans, they would, I think, have a bit more -- they would be more empowered to prevent the kind of development that they deemed to be inappropriate.

Now, nothing in this bill is in anyway going to undo the provisions of 8-30G of our statutes or change that law, but I think in the larger context, what we are trying to do is give towns a little bit more of a voice in how they go about planning for their own futures. Through you, Mr. Speaker.

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REP. MILLER (145th):

And through you, Mr. Speaker, with regard to flooding, I know that the plan of conservation and development, the State wants to protect areas that are sensitive to flooding and I know that I had sponsored a bill to provide some protection for flooded areas, because we have an area between New Haven and the boundary of Norwalk that has continued having problems with flooding. Unfortunately, the bill was watered down and so it really doesn't have a lot of teeth, but yet, the plan of conservation and development wants to protect those areas, but I guess the General Assembly is -- doesn't see it that way. That's just a statement, Representative Sharkey. Through you, Mr. Speaker.

And again, through you, Mr. Speaker, I'm not sure it's going to be a question or just a statement, the transportation strategy board is having hearings on tolls. And the plan of conservation and development wants to reduce digestion on our highways and our streets.

And yet, the board continues to have hearings on tolls which is one way of producing a lot of congestion on our highways, and I just go by past

experience and the troubles we've had, and yet the board continues to go on with hearings promoting tools, when in fact, we get so much more money from the federal government than we could ever possibly collect at the toll stations. So again, reduce the growth of traffic congestion, yet we have an arm of the government -- is promoting digestion. So again, the General Assembly doesn't seem fit to stop them or to curtail their activity, but in the bill, here it says we want to reduce congestion. Just a statement, Mr. Speaker.

And just lastly, through you, Mr. Speaker, probably another statement. Of course, you know how I feel about the plan of conservation and development and the whole, you know, the State's, I guess, attack on home rule, in my opinion. The last part were going -- the bill from 155 to 160, where the State can withhold funding in the event that something in the municipality doesn't jive with the plan of conservation and development. Unless there's a prohibition by the secretary, I'm not so sure the secretary is going to waive anything, but I think when Representative Aman talked about the carrot, this is more like a baseball bat.

All towns are in need of money and funding. Home Connecticut, we passed that to improve affordability in housing and yet, we haven't funded it. So I just have some concerns and I'll tell you, the home Connecticut, it would have been neat if we could have taken the \$61 million from public financing it and transferred it into home Connecticut, because I think affordable homes in Connecticut are far more important than bumper stickers, signs, radio advertisements, TV. And if I had time I would've had the amendment ready for this bill, but I guess I was sleeping, but I appreciate the time, Mr. Speaker. And I thank the distinguished Chairman of the Planning and Development for his answers and his intelligence. Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Miller.

Representative Piscopo of the 76th District, you have the floor, sir.

REP. PISCOPO (76th):

Thank you, Mr. Speaker. Mr. Speaker, a quick question through you to the proponent, please.

DEPUTY SPEAKER ALTOBELLO:

Pleased proceed, sir.

REP. PISCOPO (76th):

Thank you, Mr. Speaker. I just -- my question goes to lines, the new language in lines 148 and 149. If the Office of Policy and Management shall manage -- amend of the state plan of conservation and development, consistent with the recommendations of the climate change action plan, if a entity which is in 22a, 200a -- 22a, 200a, if an entity wanted to expand, a manufacturer wanted to expand in my district, this says, this basically says that the OPM shall, in effect, have to stop that expansion of a manufacturer in my district. Am I correct in my interpretation of this new language? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker, the intent of this section of the bill -- of the amendment, which has become the bill is that the state plan of conservation and development shall be compliant with the recommendations of the Connecticut Climate Change Action Plan. So I don't know the hypothetical to which the gentleman is referring, but again, the plan itself is what is -- has to be compliant with and

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reflective of the climate change plan. So I don't know if that would actually apply to the specific example that the gentleman is referring to. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Piscopo.

REP. PISCOPO (76th):

Thank you, Mr. Speaker and thank the gentleman for answer. I -- just this quick statement. It says that the OPM shall go along with Connecticut Climate Change Action Plan pursuant to Section 22a 200a of our statutes. 22a 200a says that the state shall reduce the level of emissions by 20, 10 percent below 190 levels. So if Thomaston, Connecticut were producing so much carbon dioxide in 1990, and they wanted to expand a manufacturing -- now in today, 2009, I think OPM's hands will be tied, and tell them we can't expand our manufacturing. This is very, very dangerous to be -- this is very dangerous language to be introducing into this proposed bill. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you very much. Further on House A? Representative Mushinsky of the 85th, you have the

floor, madam.

REP. MUSHINSKY (85th):

Thank you, Mr. Speaker. I rise in support of this amendment, which will become the bill. I was chair of a similar effort in 1989, which came out of a climate change legislative package and we had the stakeholder processes, as Representative Sharkey did. In 1991, we had some wild and crazy hearings around the state which produced a bill in 1994 and it failed on the House floor, to my great sadness. We had the able help of legislative research, especially John Rappa, who I think, worked on this one, as well. He's still at it.

And we were responding in 1994 to worrisome trends back then that are only magnified today. The vehicle miles traveled curve was going up. The farm acreage was going down. Congestion was going up. Open space was declining and the New England character was at risk and the affordable housing was less and less available.

And 15 years later these trends are still accelerating. So there's a greater need for this bill than there was 15 years ago to make this a livable state with an attractive and affordable quality of

life. So I'd like to thank Representative Sharkey for being so patient, working so well with stakeholders who don't really agree with each other and he has made a sincere effort and I think will be successful today in passing this bill, which is doing a Herculean effort on planning the future of this very old Yankee state which we hope will be here for generations to come. So thank you Representative Sharkey for being patient and doing -- getting this work finished.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Dean Mushinsky.

Further on the bill as amended? Further on the bill as amended? If not, staff and guests, please retire to the well of the House. Members take your seats. 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 ALTOBELLO:

Have all members voted? If all members voted, please check the board and make sure your vote is partly cast. If all members have voted, the machine will be locked. Would the Clerk please take the

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tally. And would the Clerk please announce the tally.

THE CLERK:

House Bill 6467 as amended by House A.

Total Number Voting 143

Necessary for Passage 72

Those voting Yea 141

Those voting Nay 2

Those absent and not voting 8

DEPUTY SPEAKER ALTOBELLO:

Bill as amended is passed. Are there any points of personal privilege? Representative Perone, you have the floor, sir.

REP. PERONE (137th):

Thank you, Mr. Speaker. It's -- it gives me great pleasure to -- for a point of personal privilege today to introduce the Chair and CEO Norwalk YMCA. This is -- I'd like to introduce Cindy Armato and her good colleague, Adam. This is -- Cindy Armato is -- we're going to go around and then -- but basically the YMCA has become a cornerstone of everything that we do for our community in Norwalk. The service is everything from to handling childhood obesity to helping keep kids focused and healthy and living a -- vibrant and happy lives has been attributable to the

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

DEPUTY SPEAKER ALTOBELLO:

Have all Members voted? Have all Members voted?
Please check the board to make sure your vote has been properly cast. If all Members have voted, the machine will be locked. Will the Clerk please take a tally.

Will the Clerk please announce the tally.

THE CLERK:

Senate Bill Number 950 as amended by Senate "A"
in concurrence with the Senate.

Total Number Voting	140
Necessary for Passage	71
Those voting Yea	140
Those voting Nay	0
Those absent and not voting	11

DEPUTY SPEAKER ALTOBELLO:

The Bill as amended by Senate "A" passed in concurrence with the Senate.

Would the Clerk please call Calendar Number 376.

THE CLERK:

Calendar 376, Substitute for House Bill Number 6467 AN ACT CONCERNING SMART GROWTH AND THE STATE PLAN

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OF CONSERVATION AND DEVELOPMENT. Favorable Report of
the Committee on Appropriations.

DEPUTY SPEAKER ALTOBELLO:

From the foothills of the sleeping giant,
Representative Sharkey of the 88th, you have the
floor, sir.

REP. SHARKEY (88th):

Good afternoon, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Good afternoon.

REP. SHARKEY (88th):

Mr. Speaker, I move acceptance of the Joint
Committee's Favorable Report and passage of the Bill
in concurrence with the Senate.

DEPUTY SPEAKER ALTOBELLO:

One moment, please, Representative Sharkey. It's
properly presented here on the board and
Representative Sharkey, please proceed, sir.

REP. SHARKEY (88th):

Thank you, Mr. Speaker. The Members should
remember a few weeks ago we actually did this Bill
originally here in the House. It passed
overwhelmingly with a House "A" Amendment. It was

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subsequently adopted in the Senate with an additional Amendment to clarify some of the language.

So with that, Mr. Speaker, the Clerk has an Amendment, LCO Number 7908. I ask that it be called and I be given leave of the Chamber to summarize.

DEPUTY SPEAKER ALTOBELLO:

Will the Clerk please call LCO Number 7908, previously designated Senate "A".

THE CLERK:

LCO Number 7908, Senate "A", offered by Senator Coleman and Senator Fasano.

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey, please proceed.

REP. SHARKEY (88th):

Thank you, Mr. Speaker. Mr. Speaker, this Amendment makes three very minor technical changes to the original Bill as originally approved by the House.

First, it adds to the definition of what is, what are smart growth principles in reference to housing in locations that are compatible with smart growth principles.

And secondly, it calls upon the State Continuing Committee, the State Continuing Committee on the Plan of Conservation and Development to continue to do a

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study. That was in the original Bill. We're also adding as one of their charges, an analysis of how we develop the state plan of conservation and development so that it can be integrated, we can integrate the concept of a more down up approach to how that state plan is developed.

And finally, Mr. Speaker, the Amendment strikes Subsection (f) starting on Line 96 of the original Bill, which has separate language regarding the plan of conservation and development.

This is a consensus fix that the Senate agreed to do as an Amendment. We're bringing it back down to continue that, and I move adoption. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Sharkey. Further on Senate "A". Representative Aman of the 14th, you have the floor, sir.

REP. AMAN (14th):

Thank you very much, Mr. Speaker. This is a bipartisan Amendment that was put together by the Senate Chairman and the Senate Ranking Member of the Planning and Development Committee.

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It does address a couple of the problems that were presented to us after the Bill passed out of the House.

While I personally like part of the original House Bill better than what the Amendment calls for, at this point we really don't have the time, I think, to change the fix again and send it back and forth.

But it does put part of the debate back into the Continuing Committee, which will be working on the plan of development and I believe my concerns can be addressed at that time.

I do, however, would like for legislative intent to ask the Chairman of the Planning and Development Committee, on the locations compatible with growth for housing, what that will entail that the current Bill that we passed last week would not, how that expands out the locations that would meet the ability for housing?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you. Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker, I thank the distinguished Ranking Member for the question.

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Under the original Bill, when we defined the development of affordable housing in locations proximate to transportation and employment centers, we didn't necessarily want to limit the amount, the type of developments to occurring only in urban centers versus more rural communities as well,.

There's been sort of a back and forth as to what the say, the Home Connecticut Program in particular, which we all want to support, and how that integrates into our smart growth planning.

So what this minor change, which is to say that where smart growth principles includes development of affordable housing, that's affordable to varying incomes and locations proximate to transportation or employment centers in locations compatible with smart growth, and that really keeps the definition as broad as possible so that we can concentrate on affordable housing in urban centers but also not discourage affordable housing to be developed in our more suburban communities. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

I thank the Chairman for his explanation. Again, I think it is very, very important as we're looking at housing throughout the State of Connecticut to spread it as far as possible for the moderate and lower-income housing, rather than concentrating them all in their urban corridors.

There's a variety of jobs outside the cities that require workers who do not have the annual income to currently afford to live in the suburbs. So I believe that this will be able to assist.

The section that was struck from the Bill talked about the state having to explain if they did not, weren't compatible with the town's plan of development, why they were not compatible and it was replaced with going into the planning committee, and I would request that the proponent of the Amendment go into a little bit more detail on the legislative intent of that Committee, and how the Committee is going to incorporate the desire to have the plan more bottom up and top down, and to require the state to explain if they're not compatible, why they're not.

How is the Committee going to fulfill that function under the new language? Through you, Mr. Speaker.

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DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker. Through you, that particular provision was something that we added here in the House toward the last finishing moments of getting this Bill prepared.

But the intent originally was just to make sure that our Office of Policy and Management and others involved in the state plan understood that there is a movement and a desire to start enabling our State Plan of Conservation and Development to be, to take into account more what is happening at the local level with their own planning, with their own plans of conservation and development.

That was the intent of this, to give a heads up if you will, to the Office of Policy and Management, that this is the direction that we want to go in.

However, the language itself appears to some as being more of a mandate to OPM along those lines, and we agree that, let's allow the Continuing Committee of the Plan of Conservation and Development to wrestle with this issue of how best to integrate this new method of approaching the state plan of C&D so that it

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is more compatible with local plans, allows local authorities to have more input into the development of the state plan.

So that's why there's also language change in Line 37 of the Bill that empowers the Continuing Committee to take on that specific charge as part of its work over the course of the remainder of this calendar year.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Aman.

REP. AMAN (14th):

Again, I thank the Chairman for his answers. As a Member of that Continuing Committee, I will be looking very carefully to make sure that the overall goal of integrating the local plan, making sure the state takes the local plans much more into consideration than they have in the past as they develop and redevelop the state plan.

So I do urge my colleagues to vote for the Amendment, and then the Bill as amended. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

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Thank you, Representative Aman. Representative Rowe, on Senate "A", do you wish to remark?

REP. ROWE (123rd):

I do. I think I do, on Senate "A", and I could be corrected if I'm wrong. But the dialogue spoke to some of the affordable housing initiatives, at least of the smart growth and such, and I'm not sure if it's appropriate to ask the proponent to speak in a little bit more detail about how he anticipates the affordable housing element that would be impacted by the Amendment to be implemented down the road.

But if, I was going to say Your Honor, but if the Speaker thinks it's better for the underlying Bill, I'm happy to wait.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Rowe. Why don't we just wait for a moment and see what happens to Senate "A".

REP. ROWE (123rd):

All righty, then, I'll talk to you later.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Sir.

REP. ROWE (123rd):

Ciao.

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DEPUTY SPEAKER ALTOBELLO:

Further on Senate "A"? Further on Senate "A"?
If not, I'll try your minds.

All those in favor please signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ALTOBELLO:

Opposed? The Ayes have it. Senate "A" is
adopted. Representative Rowe, do you wish to care on
the Bill as amended?

REP. ROWE (123rd):

Thank you. Good afternoon, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Long time no see, sir.

REP. ROWE (123rd):

Yes. Great to see you. I don't know if the
gentleman heard my last question, but I was
essentially getting at the affordable housing aspects
of the, now the Bill, and how he anticipates down the
road what he anticipates this leading to if things go
according to the plans and expectations, please?
Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

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REP. SHARKEY (88th):

Through you, Mr. Speaker, I'm happy to answer the good gentleman's question.

What the Bill does is, it calls for the integration of smart growth principles in general into our State Plan of C&D. Part of the smart growth principles include promoting the notion of housing that's affordable to folks with varying incomes in communities throughout the state.

And the best example that we can offer, we talked about this when the Bill was first brought out is, the very successful Home Connecticut Program, which is providing a voluntary effort on the part of towns and cities to initiate their own affordable housing initiatives in cooperation with developers and others to create density bonuses, overlay zones, that would enable more dense housing, more affordable housing to be available in communities throughout the state.

So when we're describing affordable housing, we truly mean it to be affordable, that it's part of our principle that we need to have more housing in the state, that the lack of available affordable housing to folks with varying incomes is really choking off economic development in this state.

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And so smart growth principles involve the need, recognizing the need that we've got to create housing, housing that's affordable to folks of all incomes and that's how I anticipate that being implemented.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

Thank you. And I appreciate that answer. Can you, well, a couple of questions. First thing maybe, can you give a little more specificity?

I understand the concept and where it's supposed to go with smart growth and such, but can you give examples or some greater specificity as to where you anticipate affordable housing, we don't know if it's going to be on, you know, Elm Street in a given community, but how you anticipate municipalities or towns integrating an affordable housing smart growth plan.

I mean, it will be different with every one, presumably, but there's got to be sort of a matrix that you anticipate going forward? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

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REP. SHARKEY (88th):

Well, again, Mr. Speaker, I think the prototype for this is the Home Connecticut Program. I think that's what we're all thinking about when we talk about housing that's affordable to folks with varying incomes.

The beauty of the Home Connecticut Program is that it's purely voluntary on the part of the town. The town establishes areas where it's appropriate to have say, denser development, perhaps, with more units per acre, for example, where an overlay zone could be created in cooperation with the developer and thereby create housing that's at market rate but affordable to folks of different incomes in whatever communities decide they want to do that.

In Connecticut, we already have about a third of all the towns in the state already participating at one level or another in the Home Connecticut Program.

In the good Representative's area, the classic example I think is in Georgetown where there is a mixed use development that is occurring. There's a purely smart growth initiative that the town has embraced and is making part of its overall plan.

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So that's the intent of what we want to see with regard to affordable housing. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

Thank you. I appreciate that response. Would you, how, if at all, would the Home Connecticut juxtapose with the affordable housing that is found in 8-30(g), and maybe you could speak to whether or, well, maybe you could speak tot that first. Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker, Home Connecticut is somewhat of the antithesis to 8-30(g). 8-30(g) of course, is the statute that puts the burden of proof on the town if they reject an affordable housing development in their community as to why they did so.

That is more of a hammer approach to towns and cities. It's been around now for about 20 years or so. The Home Connecticut program is a more iterative process that's truly voluntary where the towns and

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developers actually work together, rather than opposed to each other.

So that's how these will interplay with each other.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

Well, that is one of the best things I've heard on the House floor in a while, because 8-30(g) is a hammer and imposes a, or has imposed a one-size-fits-all approach, which hasn't worked. It really hasn't. It ended up with the goal of affordable housing. It made developers some nice money, but it's been very anti smart growth I think in a lot of ways, because it imposes, often high-density developments where there ought not be high-density developments.

And what I anticipate the gentleman would say is that what we hope to see with smart growth is, we may see some high-density projects, but they'll be appropriate. And we may see some projects with significantly less density and still affordable, but when it's appropriate.

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These are things that are going to be
municipality approved as opposed to state mandated.

Is that a fair characterization? Through you?

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

Thank you. Now, there would obviously be no deed
restrictions in, that come out under the current
proposal. When I say deed restrictions, as you know,
8-30(g) requires that property to be deed restricted
for a number of years and after it meets certain
guidelines, the municipality will get credit and if
they have 10 percent of their housing stock as
"affordable" inclusive of the deed restrictions and
all the other HUD guidelines and such, they would then
be exempted from 8-30(g).

Am I correct that there's nothing in Home
Connecticut that imposes a requirement of deed
restrictions?

Through you.

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DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY (88th):

Well, through you, Mr. Speaker, with due respect, obviously the Bill is not about Home Connecticut, but it is, the Home Connecticut Program in general, though, does not necessarily mandate those kinds of deed restrictions.

But again, what this Bill does is promotes the notion of the Home Connecticut approach to housing development and affordable housing development as part of a smart growth approach. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

Thank you. The, if this, the underlying Bill was successful, and let's say five years down the road, even further, we saw this sort of meaningful affordable housing, but municipality friendly and appropriate development going on, not the kind that has been built in some instances, in my community of Trumbull.

Certainly, Stratford has had a number of battles and battles throughout the state, which too often pit

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the suburbs versus the cities and the developers
against the towns and such.

Would you think that if the goals of the Bill and
how it would impact Home Connecticut, I won't hold you
to this, but will we be in a position where we can
move away formally from the hammer of 8-30(g) in the
years to come?

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY (88th):

Certainly, Mr. Speaker, that is the aspiration.
We are trying to move toward a more cooperative
approach to development that will recognize the
economic development need for housing, but also
recognizing the need for communities to make those
decisions on their own and not have them forced upon
them. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

Thank you. That was another, I'm enjoying these
answers because they're all good, and they're good
long-term solutions.

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But I take it if I ran the banzai amendment now to repeal 8-30(g), would that be a friendly banzai?

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY (88th):

Mr. Speaker, I think by definition a banzai amendment is typically not friendly. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

It's the last day. We can forge new ground, you know.

But, and I appreciate all those responses. Let me just ask you on the underlying Bill. In Line 145, I think it begins, and the discussion about the Connecticut Climate Change Action Plan. Is that still in the Bill after passage of Senate "A"? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker, yes. And as we discussed, I think when the Bill was originally done,

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this was a request of the Governor's office because we have, we've been participating in this as a state, in this New England-wide, as I understand it, Climate Change initiative, and so this was language that was requested through the Governor's office as I remember the history of the Bill.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

Thank you. And the language starting in 154, I don't think that was stricken under Senate "A". That has to do with a municipality's failure to comply once the Conservation Development Policy's Plan is adopted. Can you speak to that briefly, please? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker. The intent of that Section is to, if we're going to be integrating the smart growth principles that are outlined in Section A, I believe, as I'm reading this now, this language actually was part of the original Bill and just simply makes the statement that municipalities need to

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continue to comply with the requirements of the State Conservation and Development Plan. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

Thank you. I guess it's an easy explanation, but what's the existing, is that not existing law?

Through you,

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker, yes. It's, this is referring to 8-23 of the General Statutes.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

So is that a yes? A compound question, please. Is that a yes, and if so, why did it need to be included in the Bill?

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY (88th):

Yes, through you, Mr. Speaker, the answer is yes. And it's really referring to the new plan that will be developed by the, that will be developed by OPM as far as the Plan of Conservation and Development.

A little bit of explanation. What we're doing earlier in the Bill is, we're extending the deadline for receipt of the new Plan of Conservation and Development by two years from 2010 to 2012, and all this does is make a technical change to refer to the fact that towns have to comply and be in compliance with that new plan, not on the plan that will go from 2010 to 2015, but 2012 to 2017 because that's what the Bill also calls for.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Rowe.

REP. ROWE (123rd):

Thank you, and I thank the gentleman very much for his responses. He knows this Bill well, and I do rise in support.

I think sometimes we need to be careful with the implementation of smart growth ideas and concepts because they can be pushed upon municipalities with a bit too much pressure but I think this strikes a very

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good balance, and I'm particularly encouraged by the forward thinking approach regarding affordable housing.

It has the potential to be a very good solution. We certainly need affordable housing in this state, and we haven't found good ways to develop that idea.

We've found a lousy way in 8-30(g), and I think we may have something down the road where you know, Representative Sharkey and I you know, a couple of years down the road may be jointly sponsoring a bill to repeal 8-30(g) because we have affordable housing. I'm not committing you to this, but because we'll have affordable housing appropriately developed and built throughout the state where it's needed at prices that are truly affordable.

So there's many reasons to vote for this Bill. The affordable housing provisions are not the least of them.

Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Rowe. Representative Berger of the Brass City, the 73rd District, you have the floor, sir.

REP. BERGER (73rd):

Thank you, Mr. Speaker, and I rise in strong support of this. Being part of the smart growth working group, which worked many months under the leadership of Representative Sharkey, Representative Hennessy and others, important work done for the State of Connecticut, this Bill being part of that work and that process.

For legislative intent on the Bill itself, through you, Mr. Speaker, brownfields redevelopment has been a benchmark of the Commerce Committee and the work that this General Assembly has done in working through commerce and smart growth initiatives.

And through you to the Chairman, how does brownfields redevelopment and remediation fit in the smart growth proposal as presented here today through this Bill as amended?

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker, I thank the Chairman of the Commerce Committee for that question.

As we discussed when the Bill was first brought out, the definition of principles of smart growth that's contained in Section 1 of the Bill specifically

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outlines the need for urban redevelopment of existing infrastructure and resources, including but not limited to brownfields and historic places. That's found in Lines 19 and 20 of the Bill. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Berger.

REP. BERGER (73rd):

And I thank the Chairman for his response. I look forward to the passage of this Bill and continued mechanisms for funding for brownfields development and remediation as we move forward in this Legislative Session. Thank you.

DEPUTY SPEAKER ALTOBELLO:

Further on the Bill as amended? Further on the Bill as amended? Representative Lawrence Miller of the 122nd, you have the floor, sir.

REP. MILLER (122nd):

Good afternoon, Mr. Speaker, and thank you. I wasn't going to speak on this Bill but as long as my colleague from Trumbull brought up 8-30(g), one of the State Legislature's biggest failures when it comes to affordable housing, we've got about four percent in 20 years.

And incidentally, the Bill came from, it's origins are from the State of Massachusetts, and it was called in Massachusetts, I think it's Chapter 40(b) and it's called the Anti-Snob Housing Law, and it's a failure in Massachusetts as well. They're even worse than we are.

But in all respects, though, Connecticut needs affordable housing desperately. 8-30(g) is not going to do it. We have, right now we have one of the lowest, or the lowest rate in the nation when it comes to building permits, so really nothing's really happening in the area of building homes.

The Plan of Conservation and Development refers to affordable housing in many, many areas and certainly it's something that should be done but under the existing laws that we have, I don't think it's going to happen.

Home Connecticut is a great law. Again, that's another law from the State of Massachusetts. We have no money. I don't know how we're going to build homes or incentivize builders to come into our communities to build if we don't have the money to give them.

So what the state needs when it comes to affordable housing, you really need employment. You

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need jobs. Jobs spells money when they can afford to buy these homes, and that's what's really in need in the State of Connecticut.

But I figured it was the last day, so I'd get up and say something about 8-30(g). Again, I want to emphasize the fact that it is a failure. Twenty-seven towns have gone to court, spent, I know, Stratford is at \$450,000 on one particular project, and they're back in court. So probably another \$200,000, \$650,000 of taxpayer money going to fight the State of Connecticut over a mandate for improper, inadequate type of project that's proposed on a three or four acre site that had some wetlands.

So, but I want to thank Representative Sharkey for all the work he's done on this and hopefully that maybe some day we'll see eye to eye on 8-30(g), and maybe everybody in this Chamber will admit it's a failure. It hasn't done anything. Three to four percent in 20 years?

So, well, thank you again for listening.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Miller. Representative Wood of the 141st on the Bill as amended. Ma'am, you have the floor.

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REP. WOOD (141st):

Thank you, Mr. Speaker. I also stand in very strong support of this and thank Representative Sharkey for all his work on this.

Our community has been very much affected by 8-30(g), not in a positive way. We all definitely need affordable housing. 8-30(g) has not worked, and I think this plan sounds like a very, very workable plan and I stand in very strong support and thank you again for all your work.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Wood. Further on the Bill as amended? If not, staff and guests please retire to the Well of the House. Members take your seats. The machine will be opened.

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.

DEPUTY SPEAKER ALTOBELLO:

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Have all Members voted? Have all Members voted?
Please check the board to make sure your vote is
properly cast.

If all Members have voted, the machine will be
locked. The Clerk please take and announce the
tally.

THE CLERK:

House Bill Number 6467 as amended by House "A"
and

Senate "A" in concurrence with the Senate.

Total Number Voting	145
Necessary for Passage	73
Those voting Yea	143
Those voting Nay	2
Those absent and not voting	6

DEPUTY SPEAKER ALTOBELLO:

The Bill passes in concurrence with the Senate.

DEPUTY SPEAKER ALTOBELLO:

Representative Sharkey, please prepare yourself.
Will the Clerk please call Calendar Number 670.

THE CLERK:

On Page 20, Calendar Number 670, Substitute for
Senate Bill Number 379 AN ACT ESTABLISHING A LAND

**JOINT
STANDING
COMMITTEE
HEARINGS**

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

2009

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COMMITTEE

11:00 A.M.

attendance from the public is better than those of the committee I'm afraid.

What we'll be doing is we have a relatively -- normally our -- protocols are that we'll spend the first hour hearing from public officials, and then go to the -- public elected officials and then go to the general public. We only have a few folks signed up for the public officials at this point, so we should actually get through that fairly quickly. But we do anticipate that there're going to be a number of folks who are going to be coming to testify who are just delayed because of weather, so we'll be adding folks on as we go. But as I said, feel free to -- for those who may be sending us testimony -- or are interested in testifying, please feel free to send it to us in writing within -- within a day or so of this public hearing and it will be added to the record.

And so as not to -- to reward those of you who were able to make it here on time, I don't want to delay the opening of the public hearing any longer. So let me go ahead with this. Our first speaker will be, if she's still here, yes, Mary Glassman, First Selectman of Simsbury. And I think she's bringing with her Lyle Wray from the Capital Region Council of Governments.

MARY A. GLASSMAN: Good morning.

REP. SHARKEY: Good morning.

MARY A. GLASSMAN: Thank you, Representative Sharkey.

Representative Reed, nice to see you.

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11:00 A.M.

Thank you for inviting us to speak today on our favorite topic regionalism, and saving towns all across Connecticut more dollars and promoting voluntary cooperative efforts to do so. I'd first like to commend this committee, particularly you, Representative Sharkey, for taking on an issue that has been around for a long time, and when I was first in public service 16 years ago, if you mentioned the word "regionalism" you'd be afraid you'd be thrown out of office for using "the r-word." So I'd like to commend you for trying to move the state forward.

The state, as you know, and you wrestle with every day, is facing an \$8 billion deficit -- I guess if the numbers haven't changed already this morning -- and you have a very challenging job ahead of you. As municipal leaders we also face tremendous stresses and challenges in our community with zero grand list growth, with reductions in our pension investments, with 14 percent increases in our health care costs, we are under tremendous pressure and tremendous stress to try to provide the same level of services to our residents without raising taxes. In our community we have the 14th highest mill rate in the state of Connecticut, so we are particularly keen of those stresses that force municipalities to pay for services on the backs of our taxpayers.

Today as part of the council of -- Regional Council of Governments and also I sit on the Connecticut Conference of Municipalities, we are trying to ask the state to do business a little differently, take a new approach to the state of Connecticut, instead of the patchwork approach of 169 towns and cities doing things 169 different ways. We applaud your efforts

to try to come up with voluntary cooperative ways to save money and provide those same services.

We want to commend you for bills that are on the agenda today to promote regionalism and smart growth. We think that those are efforts in the right direction. We want to call your attention to a couple of bills that are on your agenda this morning. As you know, CROG is the regional planning organization that represents 29 towns in our capitol regional, and a good structure that already exists to provide efficiency in public services and to save tax dollars. We feel that there are a lot of great things that have already been done that we can build on.

The first we'd like to talk to you about is the funds that were appropriated in House Bill Number 6389 for Regional Performance Incentive Grants. We applaud those efforts, we see that those efforts are already working where the state provides dollars and incentives for towns to cooperatively share services and equipment. Those efforts are very, very successful. We feel that we already have a structure in place however, and this bill as proposed, is establishing through the Governor is a new program and we already have that program in place. We saw it with the Performance Incentive Grant Program, and in fact towns and cities have already started to purchase equipment through that. In fact, the Governor was listening to our last testimony and also suggested that towns can share one attorney with the number of towns to enter into agreement and I think that's a good step to start.

Another bill we talked to you about was

restoring the state grant and aid funding that was eliminated from the Governor's budget for COGs, councils of governments. I think it's very shortsighted for this state to move forward with regional planning efforts and voluntary efforts, while at the same time gutting the only regional system that already exists, and that's the councils of governments; and towns belong to councils of governments all across the state. So gutting the very regional structure that exists in our state by which we can build on at a time when we're promoting a regional government doesn't really make a lot of sense. I know health districts are not on your agenda this evening, but that is another structure under the Governor's bill that would be gutted and that's another example of a regional structure that already is in place.

Committee Bill Number 371 is An Act Concerning Intermunicipal Cooperation. It would allow towns to undertake new programs for regional tax base sharing, regional sales taxes, and other initiatives. The council of governments is the very structure that which towns already cooperate on. We -- in our Hartford county, we are 29 towns and cities, we know each other, the mayors talk to each other, we regularly meet with each other, there's trust. And I just would encourage you to use that structure to build on.

I just want to very quickly introduce Lyle Wray, the Executive Director of CROG. And he'll just speak to a couple of other bills on your agenda today. Thank you for your attention.

LYLE WRAY: Mr. Chairman, members, thank you very much. We appreciate the opportunity to speak

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as First Selectman Glassman, talked about and that is we need long-range planning to think about communities that are smarter. It's penny-wise and pound-foolish to abolish regional planning capacity at a time when we realize that good design of communities will be a much more sensible way of designing communities in the future.

Another example, if I might add. Of regional efforts, we have a regional design center we're working on with University of Hartford in cooperation, to help towns do smart growth initiatives. And again, it's a region-wide process, we're working very closely and so we think that smart growth planning is long-range and region-wide. Many of these things cannot be done a single town at a time, even though, Simsbury for example, has a Design Review Board and some very progressive elements. Some towns don't have the capacity and funding to do that, where there is a backstop to our communities that have less resources.

A couple other things on Bill 6467 on smart growth and with respect to plan of conservation and development. One of the aspects we're talking about here, I think, is the law doesn't really talk about what happens with noncompliance. And so not to put you on the spot, it's not clear what the implications for towns and regions are if the plans are determined to be inconsistent. Who would make that determination and what the consequences might be for that determination? So that's one of the aspects in 6467 that might be worth considering.

With respect to 6464, on preservation and development, we have a suggestion, Mr. Chairman, remember that before we add a new

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REP. SHARKEY: Right.

MARY A. GLASSMAN: -- and we don't have that. So for the Legislature to just take something out of the box and say, all right, we're going to make something, be regional. I'd say maybe transportation is a good place to start, we have the Transportation Strategy Board. They tried to come up with -- that's the closest we have to a long-term vision for the state, I'd look at that. I'm convinced that we can spend transportation dollars more wisely, I know it makes me crazy when you know our plow trucks drive to the -- to the end of the border and stop, and then the Avon trucks on the other side driving to the end of the border. So I think there's tremendous opportunities in transportation to take a look at that. But I -- but I agree with Lyle, I think that -- that, you know, we're not in a position to do that yet, but through the regional incentives, through towns working together, through towns working on projects that they feel they're comfortable with in saving dollars and benchmarking where the savings are we can move to that next step.

REP. SHARKEY: Okay. All right. Thanks.

Are there questions from other members?

Representative Reed.

REP. REED: Thank you, Mr. Chairman.

Good morning --

MARY A. GLASSMAN: Good morning.

REP. REED: -- and thank you so much for your

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testimony, and all you do in this area. Speaking of planning, First Selectwoman Glassman, thanking you for coming down to our region down in the shoreline, and helping us kind of understand what's possible.

I'm just wondering -- this probably is an emotional question, but just getting a sense if towns can come together and have some success on a project, is that -- have you discovered developing the kinds of relationships that are useful going forward if they can come together, have some kind of a working group, everybody feels they have a stake in the final outcome, and then they have a little bit of success. And do you have any kind of a one, two, three plan of what they might tackle that would give them that kind of experience?

MARY A. GLASSMAN: Thank you, Representative Reed. Thank you for your kind invitation to come down. I think, you know, because we don't have a government structure of regional approach, we don't have country governments, it's left to the towns to -- to create their own grassroots efforts to save dollars. So I do strongly believe that these cooperative voluntary efforts, like the Farmington Valley Collaborative, like the shoreline towns that you're working to start these voluntary efforts, that's -- that's the way we need to start. Because we need to show our leaders that it does make sense, it saves dollars, and it's acceptable to our taxpayers, because that's after all, who we work for. So I do think that there's a -- that those are -- are good things to start. Some of the things that we've had success with, the animal control officers, I know in our communities, they're sharing between the towns about that; social

service directors they're sharing there; IT services, we are entering into a contract -- looking at entry through contract with our neighbors to share IT services. I think it gets back to some of the things we're -- again, you can benchmark there's cost savings to a community, and your community's getting the same or even sometimes a better level of services than they were getting. So I think we could start voluntarily -- as we work to strengthen the state structure of putting some dollars into the regional efforts.

LYLE WRAY: Representative Reed, if I could just add one point to what First Selectman Glassman said, is when you look at the whole literature of shared services, there's two words that come up, leadership and trust. And it takes leadership, and building trust is a foundation on which you can build more. And I think if you look at CROG, one of our most successful programs is public safety, which is not necessarily the world's most cooperative world. But over the years, for the last 15 years, it started with elected leaders pushing this, we've got captain mobile data display terminals in a good chunk of the police cars in the state. They have regional disaster planning, emergency management planning, and I think that had -- that trust builds on itself. So it took two things, the leadership of the elected officials standing up 15 years ago and pushing it, but the building of trust, I think, is a critical human dimension of this rather than just, you know, the mechanics of saving money. If you have leadership and trust, we think that regions can move ahead on this more easily.

REP. REED: And just a quick follow up, and are you discovering in your own experience that even

if the political leadership changes, you can create a structure that has its own momentum?

MARY A. GLASSMAN: Yeah. I think that's -- that's true. You know, you may have a -- when you create the structure in place, and you involve all of your staff -- we have staff meetings with other staff from other towns, you know, you're -- you're really creating more than just the political opportunity, you're creating a structural and governmental opportunity. So you're teaching your communities how to work together and that -- that transcends elections. So I think that -- that structure does work.

LYLE WRAY: If I could just add that (inaudible) example is the Public Safety Council --

REP. REED: Uh-huh.

LYLE WRAY: -- that was initiated by elected officials, but 15 years later is very, very much in place and has built and built and built. And frankly, I think the elected officials, once something is put in place, sometimes have not been as actively involved in it because they assume that the staff-level emergency, police, and fire and so forth are working on it, but that leadership has continued and we have a very strong effort going on. So I think once it's been established, the leadership and trust has to be there, but it's been sustained through multiple election turnovers.

REP. REED: Thank you so much and thank you for putting your respective toes in that water.

MARY A. GLASSMAN: Thank you.

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.

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HB6588

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

I'd to comment on. The first is H.B. 6467, An Act Concerning Smart Growth and Plans of Conservation and Development. It's a great goal to define smart growth and then tie that to funding and program decisions. It's a really good move, but we're concerned with how housing is defined in that definition. Section 1, Subsection E refers to, "affordable and available housing for mixed-income households in close proximity to transportation and employment centers." We'd like to offer an idea that might offer a little more clarity, but then also better help drive some smart growth goals. I would propose instead, "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 the bill is currently written, it includes the word "available housing," which we're not sure how that would be defined, as it's currently not a definition that we're aware of. Also the term "mixed-income households," it probably wasn't intended, but it could be misconstrued as any household that has two people of different income. And so, you know, some different language could work.

But even more so, our concern with the wording as it is is that if it is determined that, you know, housing development should be only in proximation to major transportation and employment centers, that that could restrict housing that's needed in other places and would make it more difficult to meet our affordable housing goals. But even beyond the housing goals itself, I would argue that smart growth and wise land use would entail some development that's not right on a major transit corridor. For instance, northwest

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.

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REP. SHARKEY: Okay. Thanks very much.

Are there questions from the committee?

Representative Hennessy.

REP. HENNESSY: Thank you, Mr. Chairman.

In reference to the first bill you were
talking about --

SHELBY MERTEES: Uh-huh.

REP. HENNESSY: -- in regards to housing, I think
that your points reflect to the fact that not
all affordable housing is in urban downtown
settings, but they're spread out across the
entire state. And I don't think our intent is
to change that mix in which affordable housing
is available in all municipalities.

SHELBY MERTEES: Uh-huh. That's great. Yeah, and
our inclination is that that wasn't the intent
of the legislation, but because funding could
be tied to that definition, we want just make
sure it's very solid and allows the kind of,
you know, growth and development that
necessary.

REP. HENNESSY: Thank you.

Thank you Mr. Chairman.

REP. SHARKEY: Thank you.

Are there other questions?

I just wanted to say too that the intent of
that Subsection C under the training -- the
bill for training of land use commissioners,

needs to be changed to ensure that there's significant municipal membership. Regarding 6465, we think it's a very good idea to have the TSB examine transportation-oriented matters.

With regard to 6467, which provides a statutory definition for smart growth and would require that local plans -- local and regional plans of conservation development are consistent with those of the state. Again, we have some issue with that in that we think it should be a bottom-up approach, versus a top-down approach. We think that the state plan should be informed by local and regional plans, not the other way around.

Regarding 6469, we think it's a great idea, another one whose time has come, regarding a tax incidence study, Build Out Analysis, and GIS system. With regard to 6865, CCM strongly supports this proposal. It's something that we think is really going to make for more thoughtful decisionmaking on the -- on the regional level and on the local level. It does what it's supposed to do in terms of providing incentives to towns to -- to encourage an intermunicipal cooperation. We again, strongly support it.

With regard to 6588, we think it's a very good idea to have UConn train local land use commissioners. However, we do have concerns with Section C of the proposal, again, the one that was mentioned earlier regarding the courts considering the training and expertise of land use officials. We think it's kind of putting the cart before the horse, and that there has not been a lot of detail into -- into what kind of training would be provided, how intensive the training would be, who would

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

them too. Thank you for this opportunity and any questions I'd be glad to attempt to answer.

REP. SHARKEY: Sure. Great. Thank you for your participation and your support and thoughts on these bills.

Are there any questions from members of the committee?

If not, thanks very much.

T.J. ZAPPULLA: Thank you.

REP. SHARKEY: I appreciate it.

Next is Eric Brown, and I believe Bill Cibes will follow. Is that -- okay.

ERIC J. BROWN: Good afternoon, Representative Sharkey and Senator Coleman and members of the committee. My name is Eric Brown. I'm an Associate Counsel with the Connecticut Business and Industry Association. And I'm here to testify, at least give some input -- our written testimony gives input on all these bills. I want to add our congratulations to you all, and particularly leadership of Representative Sharkey, on really a monumental effort to explore a wide variety of complex issues and transform them -- transform them for the most part into very good legislative proposals that we think almost all of which merit going further in the process and having more dialogue. So I won't go through my written testimony, I wouldn't have time even if I care to, but I just wanted to touch on two bills.

HB 6464

6467, An Act Concerning Smart Growth and Plans

of Conservation and Development, we had a lot of questions in reading through this bill, some issues of clarity. For example, in Section 1, the definition of smart growth, we've offered some suggested changes to that to try and make it clear, a little bit more objective base, perhaps get rid of some terms that we found to be a little bit esoteric or subjective, such as "social development," et cetera. So we offer that up for consideration to help foster more dialogue on what an appropriate definition for smart growth should be.

Section 2 proposes a policy of the state to address sprawl through smart growth. Again, this is -- is a lot of clarity questions for us on this, what is sprawl, is it development anywhere outside of the city? How do we define that? When we say "address it," does that mean eliminate it, mitigate it, change it, manage it? We think if we're going to have a new policy for the state, it should be very, very, very clear what -- what it is we're talking about.

Also several sections of the bill talk about state, municipal, and regional plans incorporating smart growth into them. We offer suggested replacement language that these reports include an explanation regarding the extent to which the revisions promote principles of smart growth. We have concerns about a model regulation at this point, for reasons I won't get into given time constraints.

Lastly I just wanted to mention 6464, An Act Concerning Preservation and Development. We share the concerns expressed earlier about giving the Face of Connecticut really approval

and veto authority over matters concerning major state investments and brownfields, open space, and farms. We certainly understand your point about trying to get better coordination and -- and dealing with the issue of silos, but at this juncture I guess we would see the Face of Connecticut as a good vehicle for -- in an advisory capacity to, you know, basically play a role in saying, you know, in our view, you know, this is or is not a particularly good choice for state investment based on our -- our -- our, you know, principles of smart growth. But giving them veto power, essentially we're -- we think at this juncture at least, is a little bit too aggressive. And I'll conclude there and try and answer any questions you may have. Thank you.

REP. SHARKEY: Thank you for the comprehensive testimony you provide us, because it's -- I know it's a lot to grasp. But I also want to thank you personally for all the work that you contributed to the Smart Growth Working Group as well --

ERIC J. BROWN: Thank you very much.

REP. SHARKEY: -- because without your input, I think we would have been a little bit one-sided perhaps, and little bit -- we wouldn't have been able to have as well-rounded a program as I hope we have, notwithstanding some of these issues.

ERIC J. BROWN: Thank you very much.

REP. SHARKEY: I guess you know when the smart growth group was first formed, the issue -- the crisis before the crisis was the property tax, and I wonder if you could just elaborate

briefly on CBIA's position with regard to what impact property taxes really has on our ability to grow as a state?

ERIC J. BROWN: Well, you know, I think we all -- we all are concerned about the reliance that we currently now have at the municipal-level on -- on property tax and what the implications of that are. You know, I think from our organization's perspective we need property tax reform for businesses as well as for residential areas, so we're anxious to be, you know -- make sure that our issues are not lost in the -- in the conversation, because so often you hear it in terms of our -- you know, our residents are struggling, our seniors are struggling to hang on to homes, and so forth, but it's a struggle for everybody that has to pay property tax, including businesses.

So I think there are -- to try and be brief, I think there're a lot of ideas in the bills here that -- that are good ideas, are innovative ideas and merit going forward and having some additional discussion. We have expressed some concerns about, you know, we're just not sure exactly of all the implications of creating, say regional taxes or additional municipal tax options. I'm not the tax expert in our organization but, you know, I guess what I'm trying to say is it hits us as well as -- as the residential community and -- and we're committed to working with you and others to try and find ways that equitably address that problem.

REP. SHARKEY: Thanks. And as I said at the beginning of the public hearing, that the items that involve local-option taxes are actually in bills that are proposed either by the Governor or by other legislative leaders

that we wanted to include on our agenda, but items one through nine, which are the result of our -- of your work and my work on the Smart Growth Working Group, actually don't really incorporate any of those initiatives with regard to local taxation --

ERIC J. BROWN: Right.

REP. SHARKEY: -- which was something that I think we all felt very strongly about.

ERIC J. BROWN: I appreciate that.

REP. SHARKEY: The other thing I just wanted to say was that Senator Coleman and I have talked about the feasibility and the wisdom, I think, of maybe having a separate informational hearing, not a public hearing on bills per se, but a separate informational hearing on the state plan of conservation and development, where it stands, and what its interplay is with local plans of conservation and development. Certainly a couple of our bills today touch on those issues, but I think it would be helpful if we could kind of get our arms a bit little better around where those plans stand and some of CCM's concerns about whether we should be going from the bottom-up or the top-down, and see if we can air out some of those issues in an informational context. So I'd welcome you to participate in that too.

ERIC J. BROWN: We'd be glad to participate in that.

REP. SHARKEY: Hopefully we'll be doing that between this week and next.

ERIC J. BROWN: Oh, okay. We'd be glad to do that.

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REP. SHARKEY: Thank you.

Any questions from members of the committee?

If not, thanks very much.

ERIC J. BROWN: Thank you.

REP. SHARKEY: Thanks, Eric.

Next is Bill Cibes followed by Jiff Martin.

WILLIAM CIBES: Thank you, Senator Coleman, Representative Sharkey, members of the committee. My name is Bill Cibes. You have my written testimony before you. Just to call to your attention that I happen to have been fortunate enough to serve on the Governor's Task Force on Responsible Growth, which I think led into your Smart Growth Working Group. And I'm currently a member of the 1,000 Friends of Connecticut, Chair the Advisory Board of Home Connecticut, and a member of a loosely organized group of citizens called the Blue Print Coalition.

I first want to praise the committee for raising a number of bills recommended by the Smart Growth -- task force or -- Working Group or whatever it's called. I think you deserve a great deal of credit for recognizing, as the language of 6467 says, "the high financial, social and environmental cost of sprawl development." Just to reinforce your point, I think there's some interesting data from CERC reported in 2007, that a number of the major cities in the state have lost jobs; Hartford going from 158,000 jobs 115,000 over the course of 1988 to 2006. A lot of those jobs went to outlying communities, which increased

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the cost of commuting, required additional investments in infrastructure, encouraged the dispersal of housing, decreased the vitality and viability of the city which experienced the loss. It's really almost an understatement to say that the financial, social, and environmental cost "was high," it was stupendous, as a consequence of this sprawl.

I call attention to the fact that we need to restore our ability to compete in the global marketplace. The Brookings Institution has -- has said specifically that one the things that we need to leverage is the quality of place in a -- in a state, and sprawl is one of the things which stands as an obstacle to achieving quality of place. Failing to modify land use rules required large lots for residential uses, spreads out the population, raises the cost of housing and transportation; failing to locate people close to jobs and shopping or close to energy efficient modes of transporting them frustrates their ability to conserve energy, reduce harmful emissions, and avoid environmental degradation. It also increases the cost of infrastructure necessary to serve the needs of our people. As David Osborne and Peter Hutchinson have said, there is -- sprawl complicates the task of providing the connectivity of information, goods, and people, which they say is a key to economic success.

I support the bills -- package of bills which comes from the Smart Growth Working Group. I think they're first steps, they're valuable ones, they don't undercut progress which has been made and they don't damage the potential for taking further steps in the future, which I think, is also very important.

I call to your attention specifically the language in 6467, which a number of other people will address, and I suggest some language which I think helps to clarify this bill on page two of my written testimony; it not only defines smart growth as you do, but also defines the principles of smart growth which then goes on to use the language which you discuss. The section -- subsection E, which Shelby Mertes has talked about and I think Attorney Tim Hollister will also discuss, might be improved by referring to "housing which is in eligible locations as defined in the Home Connecticut Statute 8-13m."

And then Section 2, I think also could be clarified by adding some additional language, so I would call your attention to that and I'd be happy to talk about that in detail further. If those changes are adopted, then the language of some other bills can be improved by revising language to talk about being consistent with the principles of smart growth, which is actually used in a number places in those bills, but other lines don't include that.

And let me also just conclude by suggesting that House Bill 6585, concerning regionalism, discussing the benefits of revenue sharing, really needs to be sure that we talk about extending those benefits to all the constituent parts of the district and -- and don't -- and does not accidentally further segregate the needs and resources. Specifically, you don't want just two municipalities at the far edges of the economic development district joining to revenue share, and omitting the participation

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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SB384

HB6465

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,

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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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HB6588

I generally applaud what you're doing -- I have -- so I'll just state my concerns. The first is 6467, the definition in Section 1E for smart growth is, "economic, social, and environmental development that promotes affordable and available housing for mixed-income households in close proximity to transportation and employment centers." Mr. Mertes brought up the same point I was going to regarding the words "available housing" and "mixed-income," those should not be in there. But let me put a very sharp point on what is the -- the main concern of what I think the housing community, and that is that the definition excludes from smart growth everything involving workforce and affordable housing that is not in close proximity to transportation and employment centers. That is, among other things, directly contrary to the Home Connecticut program's explicit effort to accommodate small towns, towns with a population below 5,000 and the -- it's contrary to the definition of "eligible locations" that Mr. Cibes referred to. And perhaps this is the most important thing, if this bill is going to say that the -- the state plan of conservation and development needs to be consistent with smart growth principles, Home Connecticut incentive zones have to be consistent with the state plan of conservation and development. So in a very direct way these two bills are inconsistent, and on page two of my testimony -- or page three, I should say, I would have the same suggestion that Mr. Mertes did as to rewording Subsection E, which I think can -- would harmonize it with the smart growth principles.

My only other comment, Mr. Chairman, is 6588 regarding -- which came up earlier, regarding consider -- judges considering the training of

MARK N. PAQUETTE: Obviously the host town should have a little bit more, they -- obviously have a greater stake in it, but yes.

REP. SHARKEY: Okay. All right. All right. Thanks.

Are there questions from the committee?

MARK N. PAQUETTE: Thank you so much.

REP. SHARKEY: All right. Thank you, Mark. I appreciate all your work on this.

Raphie Podolsky followed by Heidi Green.

RAPHAEL L. PODOLSKY: Thank you very much, Senator Coleman, Representative Sharkey and members of the committee. My name is Raphael Podolsky. I'm a lawyer with the Legal Assistance Resource Center in Hartford, which is part of the Legal Aid programs -- you've heard me say this to you before.

I want to speak really very briefly on the smart growth and regionalism bills. We're certainly generally in support of all of them from the -- smart growth as a mean -- as a guideline for directing growth we see as a good thing, and we see efforts to allow towns to work cooperatively as a good thing as well. I want to offer one caution, which is that you should bear in mind that there may be competing values that sometimes -- that need to be integrated into the smart growth concept. And as I give you as example, under 8-2 of the General Statutes, which is the Zoning Enabling Act, the statute explicitly makes it a duty of towns in adopting zoning regulations to promote housing -- affordable

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housing for the entire region, not really for the town but -- but for region as a whole, and including making -- making provision for both low- and moderate-income housing. You just need to be careful that any kind of a smart growth proposal doesn't create a situation in which there is a disincentive to generate housing in -- in outlying and suburban towns, because that has fair housing implications as well -- but having said that, that's just really nothing more than a caveat.

I want to speak specifically to -- to a couple of changes I would ask you to make in two of the bills. In House Bill Number -- and these actually echo what you've heard from other witnesses, Mr. Hollister ahead of me said substantially the same things, although I want to add to one of those. House Bill 6467, Subpart E in Section 1, talks about the housing aspect of smart growth as being mixed-use near transportation and jobs. I would not -- I urge you not to write it in such a way that anything that -- that for example, is not mixed-income is therefore, not smart growth. Because that may end up having implications for things like priorities for state funds or eligibility for other -- for other -- for development priorities. So I think -- I know that you've got language that's been suggested both by others and my own testimony that might avoid that problem.

Second of all, the -- the list in that section, there are seven items that are really guidelines and it ends with -- and they're linked by the word "and," which seems to say that unless you have all seven of them, you do not have smart growth. And I don't think that's what you mean, I think you mean these are elements of smart growth but -- but

they're not -- if you only had five of them or three of them or even one of them, it doesn't mean it's not a smart growth project. And so I think you might want to insert something near the beginning that refers to these that makes them more like guidelines than a definition, so it's like one or more of the following principles are -- are aspects of a smart growth proposal.

And finally, very quickly, House Bill 6588, which is the training of land use commissioners -- I really think you need to delete Subsection C, which is the section that says the court can consider the -- the training of land use commissioners. And the way I would ask you to -- one way you can look at it is to think of it like this, let's say a case -- a court case went to the Supreme Court and there was a guideline that said the Supreme Court in deciding how to decide the case on appeal shall consider the expertise of the trial court judge. And I think as lawyers we would say no, no, you can't do that, that you have to look at the law and the merits of the case -- in addition how would you even know the expertise of the judge? That means you can't go outside the record, that means every zoning commission hearing you're going to have to take testimony from presumably the land use commissioners themselves, as to what is the degree of training and expertise. It -- it just doesn't work, so that while having it -- we support the concept of having -- of training for commissioners, but I think you -- it just is not either practical or really it raises some sort of due process questions as well. To have the decision turn, but to -- even if it's not exclusive standard -- but potentially turn on the training record of the member of the board, I just don't think it

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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.

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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

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Seeing none, thank you, Ms. Kulisch, for your testimony.

CARLENE E. KULISCH: Thank you.

SENATOR COLEMAN: David Sutherland to be followed by Cornell Wright.

DAVID SUTHERLAND: Good afternoon. My name is David Sutherland. I'm here today testifying on behalf of the Nature Conservancy's Connecticut Chapter. And I -- first of all, I -- I don't want to minimize the work that some other past pioneers in this building have done on -- on the issues of smart growth, but I think the work that this committee's done over the off-season this year is the most comprehensive look at smart growth that I can remember this Legislature conducting, and -- and I think it -- it involved the -- the most interest groups that ever been engaged with discussing it, so we really -- I want to join the chorus for appreciating what this committee's been doing this past year.

We want to -- I got here too late due to the storm to -- to have you get my written testimony, but I handed it in and it'll be put in your files -- but a few bills we wanted to comment on. Bill 6467, we very much support the efforts in this bill to -- to achieve a consensus on what do we mean by "smart growth" and try to codify that. We do share Raphie Podolsky's concern that he shared earlier, with that word "and" in Line 21. We think it should be changed and I've -- I've given a couple of possible suggestions in my written testimony; otherwise, we very much support that bill.

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CLEAR does, they're a wonderful organization. We work with them quite a bit, but we don't think it would be a good move to put this attempted -- a coordinated effort under this one agency. They certainly don't have the resources to do it and probably aren't going to get them, and we feel it's better to give this council that the Legislature set up a couple of years ago, an opportunity for -- for a little more time and hopefully give them more resources. Thanks very much.

SENATOR COLEMAN: Thank you.

Are there questions for Mr. Sutherland?

Seeing none, thanks so much for your testimony.

DAVID SUTHERLAND: Thank you.

SENATOR COLEMAN: Cornell Wright.

CORNELL WRIGHT: Good afternoon, Senator Coleman and other members of the committee. My name is Cornell Wright. I'm a business owner in Stratford, Connecticut. I'm also a member of 1000 Friends, and I'm here to lend my support and ask your support for House Bill 6467.

I would offer just a little bit of history that -- I think this is a significant point in time in which a number of the other comments that have been presented in regards to the definition of "sprawl" and other areas. I'd like to just address a couple points and hopefully to -- to encourage you for the further passage of not only Bill 6467, but there is a part (inaudible) smart growth.

At the end of World War II, the United States

gross domestic product was equal to that of the world. And in fact, we can look back and trace what we might consider "sprawl" to now, to those various policies that were enacted which led to -- to the construction and creation of suburbia. Suburbia is not a specific natural phenomena, it is in fact created. And we did in fact create suburbia in the United States based upon World War II, the interstate -- interstate highway system, the GI bill, and a number of other good things. Once again, we were in a much different position and circumstance than we are today. I'm asking you to consider that as you look at -- for positive approval of this slate of bills that we have a new opportunity, and you are being asked and I submit and support your -- your courage to create a new framework as to how we restructure and redevelop the new vision of what Connecticut will be. I think we can all look as continuing down the road that if we continue with our definition of sprawl, regardless of your definition of it, we pretty much become unsustainable.

And I think the recommendations that you have for the bills coming forward provide us with a new framework of looking at development of the state, provides opportunities for both economic and fiscal better responsibility. And as you've tried looking at just the questions of management, it becomes more effective and efficient with the limited resources we have now, because we have to look at it -- many of our concepts and thoughts. I heard earlier Representative Reed was speaking -- some of the questions that we have are cultural issues. Culture starts to develop over time and I'm submitting that a part of, not only taking legislative action

and economic action we'll start taking a cultural action or we'll start to change to directions and perspective of our state and will (inaudible) be more sustainable for our future generations.

If I may just spend one other moment in regards to some of the comments that Senator Sharkey had been asking, and comments that you have received today with regards to the regionalization of whether or not it should be a top-down or bottoms-up, let me offer this as a suggestion. Top-down is considered leadership, bottom-up is considered revolution. I would submit that the best combination is one of both, a combination of the two and with the new technologies and techniques that are available today, you will be able to -- I would submit, provide an opportunity to provide for both leadership that encompasses both top-down and bottom-up. And I would suggest that you might lean toward being heavier on the top-down at least initially, to provide that broader framework. And then as you become more encouraged by the results of information that you receive and the quality of information you receive, you're going to start to loosen that up in order to provide more opportunity and more flexibility going forward. I thank you much for your time.

SENATOR COLEMAN: Thank you.

And are there questions for Mr. Wright?

Representative Hennessy.

REP. HENNESSY: Thank you, Chairman.

Your reference is to basically changing the

paradigm upon which the State of Connecticut works. It's something that can only occur basically due to the economic disaster that we're finding ourselves in, and it's either an opportunity to readdress the way we do business in Connecticut and look for efficiencies and cooperation rather than competition. And this is just a comment that I'm throwing out having listened to your testimony.

CORNELL WRIGHT: Well I -- I agree with you completely that oftentimes hard decisions or decisions that modify or change culture have to be precipitated by some other events. Now I would submit to you and I agree with you that the current economic situation is just that, you know, condition. And I think it's an opportunity for you to act bold in this regard and reframe, you know, how we've started -- how we've evolved our culture over time, that I would submit at that this point in time is no longer sustainable, you know, as indicated by the current economic situation.

REP. HENNESSY: Yeah, it seems that a lot of things are kind of set in concrete, and it's interesting that with the years that this smart growth legislation has been moving forward and with the work that we've -- that this committee has done in the last six months with the subgroups working is an interesting possibility that we have before us.

CORNELL WRIGHT: I agree.

REP. HENNESSY: Thank you.

SENATOR COLEMAN: Other questions?

Seeing none, thank you, Mr. Wright.



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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HB 6589
SB 371
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.



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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 6464, AAC Coordinated Preservation and Development

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 strongly opposes Raised Bill 6464 as it unjustifiably gives authority over multiple funding programs to a lopsided, unbalanced statutory body, the Face of Connecticut Steering Committee. Moreover, we question the need for removing the authority over the affected funding programs from existing agencies.

The Face of Connecticut Steering Committee is heavily weighted toward environmental protection with little balance for economic development and housing concerns. This statutory body, which is less than one year old and by statute meets only quarterly, consists of the Commissioners of DEP, DECD and DOA, Executive Director of the Comm'n on Culture and Tourism, Secretary of OPM, plus ten other members: two for historic preservation, two for open space preservation, two for farmland preservation, a water company representative, a community redevelopment representative, a Brownfields Task Force member and an environmental lawyer who does brownfield work.

Our comments are guided by our experience in having land taken from our members ostensibly for open space but in reality to just stop development. Our fear is that the Face of Connecticut Steering Committee will do the same. This lack of balance is not an appropriate process for determining the use of state money. The various funds that this bill would put under the control of the Face of CT committee should be used to fund the purchase of properties that are of high value to the environment, historic preservation, or other purpose as the case may be. The existing open space grant fund, for example, has a balanced list of criteria to rank purchases with an advisory group that is also balanced. This balance would be lost under this bill. Moreover, it directs that decisions be based on the smart growth principles contained in RB 6467, rather than the principles underlying each of the separate funding programs, and for the reasons contained in our testimony on RB 6467 we believe this bill should not be supported.

Therefore, this bill is unwise, unnecessary and would not improve the use of state funds for the open space, farmland, historic preservation and brownfield purposes the bill would coalesce under one roof. Thank you for the opportunity to comment on this legislation.

Representing the Home Building, Remodeling and Land Development Industries In Connecticut
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Legal Assistance Resource Center

of Connecticut, Inc.

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Smart growth and regionalism

Planning and Development Committee public hearing – March 2, 2009
Testimony of Raphael L. Podolsky

We are generally supportive of the recommendations of the Smart Growth Working Group. Smart growth principles take a regional approach to development; encourage planning that coordinates transportation, environmental, housing, economic development, and tax policies; reduce reliance on local property taxes; and encourage the concentration of development in town centers. In regard to housing policy, which is of particular concern to us, smart growth encourages the use of greater density to attract housing development to town centers and along transportation routes and promotes the reuse rather than the demolition of existing buildings. We see smart growth principles as a sensible and constructive way in which to manage development.

Defining smart growth, however, is not as easy as it may seem; and it has become clear that the phrase means different things to different people. First, "smart growth" is not the same as "no growth." To the contrary, it is a method for promoting growth in a well-planned manner. Second, smart growth should not be treated as a preemption of all other forms of growth. It should be viewed in terms of preferences and guidelines but not as an absolute. Indeed, smart growth principles are by their very nature parts of a broader development strategy and not exclusive principles to be promoted at the expense of all other development strategies. Third, there are times when smart growth principles themselves may be in conflict with each other. For example, a preference for reusing existing buildings (such as abandoned factories) may conflict with a preference for concentrating development near transportation centers. From this perspective, we would like to offer comment on two particular bills.

H.B. 6467 – Listing of "smart growth" principles

We believe that some changes need to be made in the listing of "smart growth" principles in Section 1(1) of the bill.

- * Smart growth in housing: In Part (E), the bill appears to imply that any housing that is not mixed income or is not near a transportation and employment center is per se not smart growth. This is an unreasonably narrow concept of smart growth and could be used to prevent housing development across-the-board outside of center cities. We support substituting the language suggested by Atty. Timothy Hollister, which reads: "(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."
- * Definition vs. guidelines: We are concerned about the use of the word "and" in line 21 of the bill, which arguably converts a set of flexible guidelines into a rigid

H.B. 6467

(continued on reverse side.....)

definition. The bill lists seven elements of smart growth. The implication is that any development that does not contain all seven of these elements is not smart growth. In practice, however, most smart growth projects will not meet all of the criteria. This takes on great significance because parts of this and other bills require that various plans "incorporate smart growth" (e.g., line 84 of the bill). Significant sanctions may be imposed or priorities denied for non-smart growth projects. The bill should make clear that Section 1(1) is not a definition of smart growth but a listing of smart growth principles. We suggest that, in line 7, the phrase "one or more of the following principles" be inserted after the word "promotes."

H.B. 6588 -- Training for land use commissioners

It goes almost without saying that we support appropriate training for land use commissioners. We believe, however, that subsection (c) of the bill (lines 23-28) has to be deleted. It is simply not appropriate for the results of a land use appeal to be varied based on the degree of training and expertise of the commissioners. That would be unfair to both the applicant and the municipality. A decision of a land use commission must stand or fall on the evidence before the commission, as reflected in the transcript and the record, and on the merits of the decision itself. Indeed, other than knowing whether a commissioner had attended particular courses and certification programs, there is no way for a court on appeal to know the degree of expertise of a commissioner.

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

and strategies (including but not limited to those required by Sections 13b-57g, 16a-27, 8-23, 8-35a, xxx, yyy, zzz) adopted after October 1, 2009, and by awarding any state grants to municipalities, regional agencies, and any recipient organizations other than municipalities, made after October 1, 2009, according to criteria consistent with the principles of [through effective] smart growth. The General Assembly further finds and declares that smart growth is best achieved by a collaborative approach to planning, decision-making and evaluation between and among all levels of government.

If these changes are adopted, then the language of HB 6464 AAC Coordinated Preservation and Development could be improved by revising the language in several places to read "consistency with the principles of smart growth" (e.g. lines 7-8, 173, 202, 207, 271, and 338 of the file copy. (This language is already used in, e.g., lines 178, 277, and 343.) Similar language could be included in lines 186, 192 and 218 of HB 6465 AAC Smart Growth and Transportation Planning. And to go back to HB 6467, in line 84 of that file copy.

Let me also suggest that you consider modifying the provisions of HB 6585 AAC Regionalism to ensure that the benefits of revenue sharing from new economic development in an economic development district extend to ALL the constituent parts of that district, and do not further segregate needs and resources among the municipalities. Specifically, sprawl would seem to be encouraged, rather than discouraged, if two municipalities at the far edges of a district combined to share economic development revenues, to the *exclusion* of their poorer neighbor at the heart of the district.

Thank you for your consideration. Let me again extend my whole-hearted praise for the extremely valuable and far-sighted approach you are taking with these bills concerning smart growth.

I urge the committee, and then the General Assembly as a whole, to adopt this package.

focuses discussions between policymakers and administrators and improves coordination among departments. It encourages synergy between national and state programs, so the resources of both are maximized. It links budgets to outcomes, helping to identify and re-allocate squandered resources, such as duplicate programs. Good planning establishes funding priorities which identify key areas for economic and social development that should be protected from budget cuts in times of economic downturn, and which should be the major recipients of additional funds as new revenues become available. It creates more accountable and transparent government. In the end, it may lead to increased participation by grassroots citizens in decision making.



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*Your Home
 Is Our
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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 6467, AAC Smart Growth and Plans of Conservation and Development

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 6467. The definition of smart growth is confusing, convoluted and contrary to the desires of the majority of the marketplace. The bill does not define "sprawl" nor the "high financial, social and environmental costs" to be addressed by a new state policy. It presents a top down approach to planning, rather than a coordinated approach. And OPM is not equipped to draft model zoning regulations.

As significant users of our land use system, the smart growth definition presents more questions than clear guidance to policy makers, the regulated community and the public. Just a few of these questions are raised here. We don't know what is meant by "social ... development" in the land use context, nor do we know what "environmental development" means in any context. Further, the redevelopment of existing infrastructure "and resources" (?) ignores the fact that working with existing infrastructure is often more complex, expensive, time consuming and disruptive of existing communities than building new infrastructure. The language that specifically promotes policies against new construction in undeveloped places is expressly contrary to the desires and needs of a majority of the marketplace for homes, jobs and places to play. This is not a sound economic development or land use policy and we urge you to delete this language.

The definition promotes affordable and mixed income housing in close proximity to transportation and employment centers but is silent on promoting housing, affordable or not, mixed income or not, in other places, where much of the marketplace wants to be. Many smaller communities without transportation of employment centers are also in dire need of affordable and mixed income housing and are pursuing HOMEConnecticut incentive housing projects. The definition promotes mixed-use developments, which are often very difficult to achieve and impractical in many cases from a marketing and legal perspective. Finally, **the definition promotes a "collaborative approach to planning," yet other provisions in RB 6467 prohibit collaborative planning with its top down approach.**

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"

Testimony, Home Builders Association of Connecticut, Inc.
PB 6467, AAC Smart Growth and Plans of Conservation and Development
March 2, 2009, page 2

Without significantly more clarity, we urge you to delete section 2 of the bill. Section 2 declares it to be the state policy to be anti-sprawl. Yet "sprawl" is undefined. In our experience, what many advocates call sprawl, we and others see as suburban and rural communities. Does this mean the state's policy is to be anti-suburb, or anti-rural development? This makes no sense for the vast majority of the marketplace that wants to live in suburban areas and those who want to live, work and play in rural areas.

We understand and support the desire to provide more options for the marketplace. We have long stated that the marketplace for more urban, transit-oriented, pedestrian friendly development has been underserved. But we can and should accomplish this without declaring it to be the only type of development that is acceptable to this state. Section 2 sends a big "Get Out!" message to businesses and developers. Moreover, the "high financial, social and environmental costs" of suburban and rural communities should be identified so that more detailed and clear state policies can be debated and addressed.

Sections 3 through 6 require the state, local and regional plans of conservation and development to incorporate the smart growth principles of section 1 (sections 4 and 5 address the same statute and seem duplicative). Under these sections, the state plan is to be adopted first using these principles and then the local and regional plans are to follow suit. In sections 4 to 6, the local and regional plans are to be consistent with the state plan. This is not a "collaborative approach" to planning. As we commented during the smart growth task group meetings and in past years, we believe the state should plan and map those matters, such as major transportation routes and utilities, major areas of environmental concern or significant or unique resources, all of which have a statewide impact. That plan would then be sent down, through RPAs and to municipal governments for them to flesh out the plan with concerns that are regional and local in nature. Local governments would determine the land uses it wants, within the context of the major state and regional issues planned for by the state and RPAs. Local governments would then send back up its fully-fleshed out plans to the state to be incorporated into the final state plan so everyone can see the details on the larger scale (i.e., everyone could see the forest and the trees). This would require a wholesale rewrite of our planning statutes, but we believe it is the only logical, collaborative and worthwhile approach to pursue. It is not weighted to be top down or bottom up but places the planning emphasis on different matters at the appropriate governmental level. Provisions for easy amendment to accommodate a changing marketplace would be critically important to overcome the deficits of any planning approach.

Finally, OPM is not equipped to write model zoning regulations. And given our concerns over the identified smart growth principles, we think it unwise to pursue this endeavor.

In summary, the over-emphasis on and regulatory approach to "smart growth" type of development, to the exclusion of other development, would create disincentives for much of the marketplace. Connecticut's economy and its people would suffer. Rather, the state should create incentives for communities and developers to pursue "smart growth" style developments. And, the top down planning approach in RB 6467 would promote centralized planning over free markets – never a good idea.

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

Making Great Communities Happen

Connecticut

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 volunteerism. 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.

SMART GROWTH LEGISLATIVE PACKAGE – CCAPA COMMENTS

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

CCAPA believes this concept needs further consideration before any revisions to planning statutes are adopted. CCAPA supports the development of a single, consistent set of guidelines for State, regional, and municipal plans. However, CCAPA believes the proposed language could further complicate efforts to promote smart planning from the bottom up as well as the top down.

CCAPA strongly endorses the promotion of consistency in planning at all levels of government, and in providing clear guidance to the private sector, which must also apply smart planning principles. However, the addition of another set of definitions to the list of considerations, objectives, principles, and recommendations that are provided in CGS §8-23 threatens to overwhelm and confuse even the best planning efforts. In 2005, CCAPA worked with the Committee on the development of “growth management principles,” which are now in Section 8-23, with the understanding that these statements represented the State’s definition of “smart growth.” We recommend that the Committee review this existing set of guidelines to determine if any refinements are necessary, in lieu of adopting an entirely different set of definitions.

The proposed language also purports to address “sprawl development” without defining the term, which creates the potential for further confusion and conflict when considered at the different levels of planning that occur in the State.

Over the years, additions and revisions to CGS §8-23 have resulted in a somewhat disjointed set of guidelines for municipal and regional plans. This entire section may be due for a comprehensive redrafting that streamlines and simplifies the appropriate standards for smart planning. Any such revision should ensure that the guidelines of §8-23 are consistent with those in §16a-27 applying to the State Conservation and Development Policies Plan.

If the Committee continues with a new set of definitions to promote responsible growth management, the current draft should be further evaluated with regard to several details. For example:

- What exactly is meant by “social and environmental development?”
- References to local, state, and regional planning integration and consistency should be the same throughout the definitions.
- Reliance on local property taxes may not be as onerous as previously believed, given current economic and fiscal conditions.
- It is unclear what promoting “redevelopment of existing infrastructure and resources” means but in any event redevelopment generally should be in addition to, not instead of new construction.
- If the intent is to promote development in close proximity to employment centers, the definition should recognize that a significant proportion, if not a majority, of the jobs in Connecticut are located in suburban areas.

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

CCAPA supports the development of appropriate data and information to support smart planning. Assuming adequate resources are provided to CLEAR, the development of a statewide geographic information system is a critical step to provide municipalities and regional agencies with the planning efficiencies provided by this technology, as our neighboring states have demonstrated. CCAPA does not necessarily see the equivalent benefits of a tax incidence study or a state-wide build out analysis, but does not oppose such effort, again if sufficient resources are provided.



Rivers Alliance

of Connecticut

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PLANNING & DEVELOPMENT COMMITTEE PUBLIC HEARING

March 2, 2009

TESTIMONY

Rivers Alliance is the statewide, non-profit coalition of river organizations, individuals, and businesses formed to protect and enhance Connecticut's waters by promoting sound water policies, uniting and strengthening the state's many river groups, and educating the public about the importance of water stewardship.

HB 6467, AAC Smart Growth and Plans of Conservation and Development **HB 6589, AAC Land Use Appeals**

Dear Senator Coleman, Rep. Sharkey, and Members of the Committee:

First, thank you chairmen and committee members for taking on the much-needed and extraordinarily difficult task of rationalizing the state's haphazard approach to planning, growth, and conservation.

Rivers Alliance of Connecticut is particularly concerned with the myriad official and semi-official plans that relate to protecting the quality and quantity of the state's waters.

Last year, we served on an advisory group in the development of a multi-town Drinking Water Quality Management Plan under the sponsorship of the Department of Public Health (DPH) for Groton Utilities. The Groton Utilities watershed is also part of a regional plan for water service areas developed by a statute-based Water Utility Coordinating Committee (WUCC), also led by DPH. Then there are the individual water-supply plans, created as per statute by water suppliers under the authority of DPH, with concurrence from the Department of Environmental Protection (DEP). At the same time, DEP is drafting a stream-flow regulation, pursuant to PA 05-142, which we certainly support, but which will also affect source waters, as well as all other waters in the watershed. Of course each town in the watershed has its own Plan of Conservation and Development (POCD), not very well coordinated with the regional Council of Governments POCD, and the state POCD. The US Department of Agriculture Natural Resources Conservation has a regional stakeholder group working on plans for conservation of open-space, including water-buffer lands. DPH has a drinking-water Source Water Assessment Project for the region, which is different from DEP's drinking-

water Aquifer Protection Regulation, although both target source waters. Meanwhile, the Water Planning Council, which includes DEP, DPH, Office of Policy and Management, and Department of Public Utility Control, is also producing reports and plans on matters of water allocation and management.

There is much more, including, of course, the confusing tangle of authorities, laws, contracts, and plans relating to wastewater.

Reform and reorganization are most certainly needed. Again, we thank you for taking the first steps. We believe that a bold approach is essential, including at its center property tax reform.

Turning to 6467, we urgently request the following change in the definition of smart growth, Section 1 (NEW) (G): the conservation and protection of air, water, wildlife and other natural resources by preserving open space

In SEC. 3 (a) line 3, we urge this change: "transportation, energy, water and air." Almost all energy development and generation requires significant water, and almost all water service and use requires significant energy.

We support HB 6589, AAC Land Use Appeals, as long as it is not amended with language aimed at limiting existing rights. We believe that, as written, this bill will make the appeals process fairer, faster, and more predictable.

If we can help in any of these matters, we are at your service.

Sincerely,



Margaret Miner,
Executive Director



The Nature Conservancy
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**Testimony of David Sutherland – Director of Government Relations
 Before the Planning and Development Committee – March 2, 2009**

On behalf of The Nature Conservancy, I would like to express our appreciation for the comprehensive examination of smart growth strategies and concepts that this committee conducted this past year, the most comprehensive review that I'm aware of this General Assembly having performed.

We would like to submit the following comments on various bills on today's agenda:

Bill 6467 - AAC Smart Growth and Plans of Conservation and Development: We support your efforts, as reflected in Bill 6467 and others, to achieve as broad a consensus possible to better define and codify "smart growth". We would suggest that the word "and" in line 21 of Bill 6467 be changed to "or", or "and/or", or that that list of criteria be preceded by in line 7 by "...or promotes AT LEAST (*some number*) OF THE FOLLOWING CRITERIA...". Using the word "and" in line 21 might cause projects, which are subject to these criteria in other bills that refer to the criteria, to have to meet some of the criteria that are not directly relevant to them. For example, a desirable brownfields redevelopment project that is intended to house a clean technology company, municipal offices, and stores, and is in close proximity to, but does not include a housing component, might meet several other criteria, but would not meet criteria (E).

Bill 6464 - AAC Coordinated Preservation and Development. Although we support the concept of ensuring that state-funded projects are consistent with smart growth principles, and have supported criteria, for open space programs, that we feel already do require or reward such principles, **we can not support this legislation.**

As written, this bill would require projects, which are preserving or restoring the very resources that many are trying to protect with smart growth, to go through an extra review, whereas state-funded projects to build a new mini-mall, industrial park, or highway would not have to go through such a review. If anything, projects which protect farmland, open space, and historic properties, or restore brownfields, should be exempted from extra reviews, not singled out for them.

Bill 6469 - AAC Smart Growth and State Planning: We are opposed to Sections 3 and 4 of Bill 6596, which would charge the Center for Land Use Education and Research (CLEAR) at UConn with establishing a program of state-wide geographic system mapping, and eliminate the state's Geospacial Information System Council. We strongly support a coordinated approach to GIS, and we have the highest regard for the critical work that CLEAR does, but this legislature established the GIS Council, which had already been operating without statutory authority, two years ago, and it is doing much of what this bill would charge CLEAR with doing. We wish the Council had made more progress, but any lack of progress is more a function of lack of resources than inherent defect in the approach. Eliminating that council and charging one state agency, even one as skilled as CLEAR, with discharging that council's responsibilities, especially without giving them significantly increased funding support, would be a serious step backwards in statewide planning. HB1688

(over)



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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 2

Raised Bill 6467

One portion of the definition of smart growth, as drafted, creates a major problem for existing programs that assist the development or preservation of workforce housing, and needs to be amended.

Section 1 defines "smart growth" as "economic, social, and environmental development that (1) . . . promotes . . . (E) affordable and available housing for mixed income households in close proximity to transportation and employment centers" *This text will undermine workforce and affordable housing development, including the HOMEConnecticut program now in use in more than 50 municipalities.* First, the term "available" housing, undefined, should be deleted. Second, the term "mixed income" has no place in a smart growth bill; as Section 1 makes clear, smart growth is about location (in the broadest sense) of development. Whether a residential development contains a mix of market-rate and price-restricted units, or all price-restricted units (as some government subsidy programs require), is not relevant to smart growth criteria.

Next, and most important, subsection (E) as drafted excludes from the definition of smart growth all workforce and affordable housing preservation or development that is not in close proximity to transportation and employment centers. Thus, properties with sewer, water, and traffic capacity to support the higher densities by which lower per unit costs and affordability are achieved are excluded. This exclusion is directly contrary to the HOMEConnecticut program's explicit effort to promote workforce housing in "eligible locations" as defined in Conn. Gen. Stat. § 8-13m(5)¹. It is also contrary to HOMEConnecticut's lower density requirements and incentives for towns with populations below 5,000, and on land owned by a land trust or municipality. In addition, if the State Plan of Conservation and Development is required to incorporate smart growth as defined in this bill, this will create an inconsistency with HOMEConnecticut because Section 8-13n(b)(1) requires Incentive Housing Zones to be consistent with that Plan. Thus, Section (E) as written needs to be amended.

¹ **Sec. 8-13m. Definitions.** As used in this section and sections 8-13n to 8-13x, inclusive:

(5) "Eligible location" means: (A) An area near a transit station, including rapid transit, commuter rail, bus terminal, or ferry terminal; (B) an area of concentrated development such as a commercial center, existing residential or commercial district, or village district established pursuant to section 8-2j; or (C) an area that, because of existing, planned or proposed infrastructure, transportation access or underutilized facilities or location, is suitable for development as an incentive housing zone.

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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

planning, reduction of reliance on property taxes, development on brownfields rather than greenfields, mass transit, bicycling, transit oriented development, mixed use development, and open space and farmland protection. Sierra considers this a priority bill of considerable importance for the 2009 session.

SB 371 and SB 384 authorize Councils of Government to consider regional tax sharing, delivery of services, contracts, and land use decisions. As they enable key elements of regionalization, Sierra supports both bills.

HB 6465 requires consideration of smart growth principles in any capital transportation project. Sierra endorses this bill.



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*.

In the following paragraphs, please find specific comments and suggestions on the individual bills for which 1000 FRIENDS seeks your support and asks you to strenuously advocate for among your caucuses and leadership. Please, make 2009 the SMART GROWTH SESSION!

6467 An Act Concerning Smart Growth and Plans of Conservation and Development defines *smart growth* as "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 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) affordable and available housing for mixed income households in close proximity to transportation and employment centers, (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."

The bill would declare it the policy of the state to address the high financial, social and environmental cost of sprawl through effective smart growth. It would require the state's economic development strategy, and conservation and development policies plan, as well as regional and local land use plans to incorporate smart growth.

1000 FRIENDS of Connecticut recommends strengthening the bill's scope by requiring smart growth criteria be integral to the state's Master Transportation Plan, Housing Plan, Green Plan, and guide the actions of the State Properties Review Board, the Department of Agriculture and the Department of Public Health.

Finally, this legislation would require the Office of Policy and Management to develop model zoning regulations providing for smart growth available for adoption by local zoning commissions. This would allow cities and towns that choose to modernize their zoning codes to avoid paying for boiler plate zoning regulations and allow them to focus their resources on inclusive customization of the code to their individual street grid and context.

If the General Assembly were to do nothing more than pass, and the Administration nothing more than implement, this bill this year, Connecticut would be well on the road to a smart sustainable future!

6464 An Act Concerning Coordinated Preservation and Development would require the Face of Connecticut Steering Committee screen grant applications for open space and watershed land acquisition, purchase of development rights for farmland, grants for historic preservation and funds for

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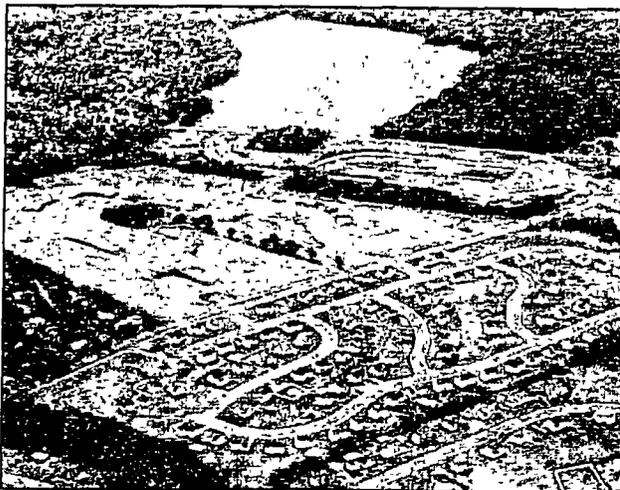
Heidi Green	President PO Box 1988, Hartford, CT 06144-1988 860-523-0003
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EXECUTIVE SUMMARY

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.

The 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] **land use policies and practices** that (1) [uses] **manage** land and resources [to] **in a manner that** enhances the long-term quality of life for current and future generations in the state 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) affordable and available housing for mixed income households in close proximity to transportation and employment centers, (F) concentrated, mixed-use development around transportation nodes and civic and cultural centers, [and] (G) the [conservation and protection of natural resources by preserving] **preservation of** open space, farmland and historic properties and [furthering] (H) 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] **increase** economic competitiveness in the state while preserving natural resources.

- CBIA does not support Section 2 of the bill. Both "sprawl" and "smart growth" are undefined terms at this point. Further, it is not clear what "address" means – does this mean eliminate, reduce, manage, mitigate? Even if all these terms were defined and clear, is "smart growth" really the only strategy for "addressing" sprawl? CBIA urges the deletion of section 2.
- The current bill states that revisions to state, municipal and regional plans of conservation and development "shall incorporate smart growth." Again, even if "smart growth" were a defined term, what would these sections mean by "incorporating" smart growth? CBIA suggests these provisions of the bill be rewritten to state, "shall include an explanation regarding the extent to which the revisions promote principals of "smart growth" as defined under chapter __ of the Connecticut General Statutes."
- Section 7 requires the Office of Policy and Management to "develop model zoning regulations to be used by zoning commissions that provide for

smart growth . . ." This language is vague as to whether such a regulation would serve as minimum standards, purely advisory, a measure of consistency with state policy, or whether they would need to be adopted word-for-word. Additionally, given the breadth of issues most descriptions of "smart growth" encompass (including the definition proposed in section 1 of this bill) we question whether developing such a model ordinance that is workable in all 169 towns is reasonably doable. CBIA suggests Section 7 be deleted. Perhaps the Smart Growth Working Group can take a look at whether such model regulations have been developed in other states and assess whether any such regulations would form the basis of a good model regulation for Connecticut.

Raised Bill No. 6469, An Act Concerning Smart Growth and State Planning

CBIA supports Section 3 of this bill. While this is probably not the year from a fiscal standpoint to establish a program of state-wide geographic system mapping, we think this would be a valuable and constructive tool to the state, regions and municipalities.

Raised Bill No. 6585, An Act Concerning Regionalism

CBIA supports section 1 of this bill except subsection 1(b)(5)(C) which we believe could result in effectively mandating municipalities to join the expensive state health care pool if, due to market conditions or the interests of other municipalities participating in the agreement, establishing a municipal pool is not a practical option. 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. CBIA is generally supportive of this bill except that we are concerned with the proposal contained in subsection 1(c). This subsection requires courts reviewing local land use decisions to consider the training and expertise of the local land use commissioners. We strongly favor the state taking steps to insure these commissioners receive as much training as possible. However, just because a commissioner has taken courses to increase their expertise, does not mean they are incapable of reaching decisions that are not based on sound scientific or legal principles. CBIA believes courts should be free to assess such cases based on the merits and not be forced to give greater consideration to the decision of a layman commissioner simply because that commissioner has attended courses and certification programs.



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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)

HB 6467 needs to be amended by inserting at the beginning of Section 1, subdivision (1), subsection (B) the following :

"the adoption of fair and incentive-based methods to finance public services and development and" the reduction of the reliance on the property tax...

Left unchanged, a reference to the property tax alone , to the exclusion of all other fiscal measures, is problematic.

Also, immediately following in subsection (C) , the words "instead of new construction in undeveloped places" could be interpreted by some to be unduly restrictive We urge that these words be added after "places":

"while protecting individual private property rights, including the freedom to own, use, and transfer real property"

HB 6389: An Act Promoting Regionalization, is Governor Rell's budget proposal. In this time of fiscal austerity, it is a creative way to help municipalities provide essential services in a cost-effective way, thereby relieving the burden on local taxpayers. It does not authorize the creation of new taxes. It has the virtue of using EXISTING state revenue and REALLOCATING it in a manner that rewards those communities who commit to "interlocal agreements" for joint service delivery. It builds on the Regional Performance Incentive Program. The Connecticut Association of Realtors supports this bill as a smart way to induce citizens of different towns to come together to share some services more efficiently than "going it alone"... while all the while preserving each town's distinctive identity.

Besides the \$40 million for regional infrastructure projects, there's a \$10 million fund for towns to jointly buy heavy equipment like bucket trucks, plows, and other machinery. In addition, there's a big carrot of 10 % bonus aid for road and other capital projects for those towns that qualify.

Thank you for your attention. I'll be happy to answer any questions.



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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.

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Date: March 2, 2009
To: Chairmen and Members of the Planning and Development Committee
From: Mary Glassman, First Selectman, Simsbury, Co-Chair CRCOG Legislative Committee
Subject: **Testimony on Bills to Promote Regionalization and Smart Growth in Connecticut**

The Capitol Region Council of Governments (CRCOG) is a regional planning organization representing the City of Hartford and the 28 surrounding communities. Our members have collaborated for more than 30 years on a wide range of projects to benefit our towns individually and the region as a whole. One of the many areas we dedicate ourselves to is helping members improve the efficiency of public services and to save tax dollars through regional shared services and other direct service initiatives. CRCOG also performs certain land use and transportation planning functions as required by State Statutes, and federal and state transportation agencies.

General Comments on Bills to Promote Regionalization

The local government fiscal crisis we find ourselves in looks like it will not go away any time soon. Without significant changes to the way local governments provide services, programs will be cut, professionalism and morale within local governments will deteriorate, and residents will pay higher property taxes. CRCOG is committed to facilitating regional service sharing, and supports continued funding of the existing Regional Performance Incentive Grant Program to get the most promising projects implemented. We also strongly assert that inter-municipal coordination by a Regional Planning Organization like CRCOG can facilitate decision-making and provide technical assistance that is **not just necessary, but vital** to the success of these projects. The regionalization incentive grant program created through **H.B. No. 6389, An Act Promoting Regionalization, removes RPOs from this vital facilitative role.** There are three simple actions that the legislature can take to promote appropriate regionalization of services:

1. Rather than establish a new program, **allocate the proposed \$50 million in funding associated with H.B. No. 6389 to the Regional Performance Incentive Grant Program that already exists.** Administrative structures for grant submission and reporting have already been put in place after considerable effort. CRCOG and its member communities would prefer to work through the Regional Performance Incentive Grant Program, rather than go through the alternate approaches proposed through House Bill No. 6389 and Committee Bill No. 384 that would require a great deal of start up effort.

SB371
 HB6585
 HB6467
 HB6464
 HB6469
2. **Reinstate the \$1,000,000 in State Grant In Aid funding** that was eliminated from the Governor's budget proposal. This funding is vital to support the shared services work that is ongoing and contemplated in the near future.

Testimony on Bills to Promote Regionalization and Smart Growth in Connecticut

information, good tools and increased planning coordination to facilitate informed land use decisions that work in the long-term interest of Connecticut residents.

Within this broader context, CRCOG offers the following comments on several bills before the Committee today.

- **Raised Bill No. 6467, An Act Concerning Smart Growth and Plans of Conservation and Development.** The Section 1 definition of smart growth specifies a series of planning principles that are worthy of aspiring to, and are generally consistent with the guiding principles of the CRCOG Regional Plan of Conservation and Development. The goal of this bill is to achieve consistency among state, regional and municipal plans with regard to the smart growth principles. In concept, CRCOG supports working toward greater consistency, and using these plans as a basis for coordinating state investment decisions. However, it is not clear what the implications for towns and regions are if plans are determined to be inconsistent, and who would make that determination. These implications should be clarified.
- **Raised Bill No. 6464, An Act Concerning Coordinated Preservation and Development.** As stated above, CRCOG sees great value in using linked state, regional, and local plans as a basis for coordinating state investment decisions. This bill creates a new Face of Connecticut Steering Committee to review certain State funding actions for consistency with the smart growth definition proposed by Bill No. 6467. We question whether a new review committee is needed to accomplish the desired objective. Existing law enables these and similar funding decisions to be evaluated under the “priority funding areas” criteria that are due to be developed in the next State Plan of Conservation and Development in accordance with CGS Sec. 16a-27 as amended by PA 05-205, An Act Concerning Plans of Conservation and Development. We recommend that this approach be explored prior to establishing a new committee.
- **Raised Bill No. 6469, An Act Concerning Smart Growth and State Planning.** The Tax Incidence Study and Build Out Analysis proposed through this bill could be helpful in informing both state policy and municipal land use decisions. With regard to Sec. 3, numerous municipalities, state agencies and regional agencies, have already invested significant time and money in creating Geographic Information System (GIS) databases that are used for the purposes noted in this act. Furthermore, five of the fifteen regional planning organizations, including CRCOG, received funding last year from the Regional Performance Incentive Grant Program to upgrade or create web-based geographic information systems for use by their member communities. The Connecticut Geospatial Information Systems Council which represents these varied interests has been meeting for several years to improve the coordination and sharing of geospatial information being created by its various members. Rather than creating a new state-administered system, resources might be better spent improving and building upon the GIS systems and data sets already in place, and coordinating their further development and sharing. Unfortunately, Section 4 of this bill abolishes the Connecticut Geospatial Information Systems Council that has performed a valuable educational and coordinating role over the last few years.

March 6, 2009

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PLANNING AND DEVELOPMENT
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1:00 P.M.

your written comments. And -- and allow the committee to ask questions as we see fit if that's helpful for us to understand your point. All right. So, with that let's start with the elected officials list and public agencies. First is Dan Morley from OPM followed by Rob Dakers.

DAN MORLEY: Senator Coleman, Representative Sharkey, distinguished members of the Planning and Development Committee, thank you for the opportunity to provide testimony in support of Raised Bill 6595 An Act Concerning the State Conservation and Development Policies Plan, which I'll be referring to as the state C&D plan. My name is Dan Morley, I am the Policy Development Coordinator for the Office of Responsible Growth within the Office of Policy and Management. OPM under Secretary David LeVasseur has provided you with written testimony for your consideration. And I'll provide a brief overview of his testimony.

First off, I would like to thank you for the Committee for raising this bill. Sections one through three of Raised Bill 6595 would extend by one year. The process for developing the next state C&D plan. That process if approved would result in the following schedule. OPM would submit an initial draft state C&D plan by September 1, 2009 to the continuing Legislative Committee on state planning and development for a 90 day review. Secondly OPM would publish a revised draft state C&D plan by March 1, 2010 and hold public hearings across the state to solicit comments over the following five month period. And thirdly OPM would submit a recommended draft state C&D plan to the continuing committee by December 1, 2010 after considering those public comments.

HB 6595

So those are the primary reasons why this process will benefit from the added time.

REP. SHARKEY: Okay. And I -- I'm sure you're familiar with House Bill 6467 which is part of the package of smart growth bills that have been recommended by the smart growth working group. And this committee is taking on -- that bill in particular calls for a better coordination between the state plan of C&D and local plans of C&D. And one of things that we've heard consistently throughout that process of the smart growth working group as well as through this committee's public hearings is that there needs to be a better coordination between local plans and state plans. And B that those plans -- that the state plan should be more a reflection of what is happening at the local level as opposed to -- in other words, being more of a bottom up development of a state wide plan rather than a top down.

And I'm wondering if what OPM's feelings are about that in terms of the feasibility of making that possible in -- as part of this due plan that's coming out. And if it's not possible should we -- would you need a little more time to be able to that?

DAN MORLEY: Well I think anything is possible first off let me say that.

REP. SHARKEY: Yes, in the legislature anything is possible.

DAN MORLEY: I think the efforts that were done in 2005 in Public Act 05-205 set the stage for trying to achieve a general consistency amongst municipal, regional and state plans by having each one of those entities address the same six growth management principals. And as

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you know, in that short period of time, only probably a third of municipalities have had to update their plans since then. Since they have a ten year revision period and I think that's important to note that. These things unfortunately because of the statutory timeframe that municipalities of under versus the five year time frame the state plan is under, it takes a while for that cycle to cycle through.

So, I would -- I think it would be interesting to hear from some municipalities that have recently updated their plans if they feel that this general consistency that we've been trying to achieve from a few years back if that is adequate. If that is, you know, we -- intended to be respectful of home rule of the same time acknowledging that state investment decisions also need to be coordinated from a -- a higher level as well. So, the whole discussion between bottom up and top down is I think a worthy discussion but our view point is that the more we can have improved -- just communication that it -- we refer to it as integrated planning left manageable -- growth management principal six, which is intended to be both up and down.

REP. SHARKEY: And the other point of the other -- of the bill that we've already heard which is 6467 is -- is that the state is part of their plan of state plan C&D should also be incorporating smart growth principals into that. Now we already know that we had a number of bills and initiatives that came out of in 2007. To what degree is the new plan of C&D going to be incorporating smart growth or responsible growth provisions in -- in the overall plan?

DAN MORLEY: We're certainly open to that dialogue