



Connecticut Business & Industry Association

**TESTIMONY OF ERIC J. BROWN
BEFORE THE
PLANNING AND DEVELOPMENT COMMITTEE
FEBRUARY 25, 2008**

Good afternoon. My name is Eric Brown and I serve as an associate counsel with the Connecticut Business and Industry Association (CBIA). CBIA represents approximately 10,000 businesses, both small and large, throughout the state of Connecticut. Approximately 90% of our members are small businesses with fewer than 50 employees.

**CBIA appreciates this opportunity to comment on
SB-39, AN ACT CONCERNING RESPONSIBLE GROWTH.**

**CBIA recommends changes to sections 1 and 2 and
deletion of sections 4-7 in accordance with the following comments.**

Section 1: Definition of “responsible growth principles”

Section 1 defines “responsible growth principles” as:

“the use of land and resources in ways that enhance the long-term quality of life for current citizens of the state and future generations and that maximize previous investments in existing infrastructure while preserving distinctive landscapes, historic structures, landmarks and villages.”

This definition is based on excerpts from how the responsible growth is characterized in the January 2008 report of the Governor's Responsible Growth Steering Committee.

That report states as follows (excerpts used in SB-39's section 1 definition are bolded):

“Responsible growth is economic, social, and environmental development that **uses land and resources in ways that enhance the long-term quality of life for Connecticut's current and future generations**. Responsible growth supports a vibrant and resilient economy and preserves the natural resources upon both of which that quality of life depends. Responsible growth **maximizes previous investments in existing infrastructure while preserving distinctive landscapes, historic structures, landmarks, and villages.**”

While CBIA agrees the goal to “enhance the long-term quality of life”, we do not believe this clause is very helpful in providing definitional understanding of what the term “responsible growth.” For example, depending on one's perspective, a golf course, park, affordable housing or a long-term health care facility could be argued as enhancing or not enhancing “the long-term quality of life.”

Significant, in our view, is the fact that the definition focuses on the social and environmental goals referenced in the Steering Committees report but does not include any mention of the economic goals. CBIA strongly urges this committee to correct that omission.

Accordingly, we suggest the definition of “responsible growth principles” be modified to better reflect the conclusion of the Steering Committee's report. The following is our suggestion for how the definition in section 1 of SB-39 should read based on omissions (brackets) and additions (underlined) to the Steering Committee's language:

“Responsible growth principles” means
[Responsible growth is] economic, social, and environmental development that uses land and resources in ways that [enhance the long-term quality of life for Connecticut's current and future generations. Responsible growth] support[s] a

vibrant and resilient economy and preserves the natural resources upon [both of] which [that] the quality of life of Connecticut's current and future generations depends. Responsible growth maximizes previous investments in existing infrastructure while preserving distinctive landscapes, historic structures, landmarks, and villages.”

Section 2: Responsible Growth Cabinet

Subsection (b) of this section introduces several subjective terms or phrases that may lead to further confusion with respect to the role of the Responsible Growth Cabinet. CBIA offers the following suggestions on several subdivisions of subsection 2(b).

The cabinet shall advise the Governor on policies and initiatives to:

- (1) “address issues raise by economic growth and real estate development;”

Use of the term “issues” in this context sounds, in our view, like “problems” associated with growth and development. We do not believe this should be a stated or implied tenant of the responsible growth effort. Rather, we suggest the committee consider changing this subdivision to, “maximize opportunities to harmonize marketplace demands with responsible growth principles;” The concept here is to acknowledge that ultimately, it is the marketplace that drives development. So, for example, by improving schools, cultural and recreational opportunities in urban areas, the marketplace will drive more growth to our cities – consistent with responsible growth principles.

- (2) “support and encourage sound land use;”

In our view, the clause “sound land use” is an unhelpful, subjective clause. The definition for “responsible growth principles” already addresses land use

goals. Adding the term “sound” does nothing to clarify those goals. CBIA suggests this subsection be changed to: “encourage the use of land in a manner that is consistent with responsible growth principles.”

- (3) “protect open space, farmlands and historic sites;”

CBIA would prefer the more positive term “preserve” rather than the more negative suggestion associated with the term “protect.”

- (4) “clean up and reuse valuable properties located in urban areas;”

CBIA strongly supports efforts to redevelopment and revitalize brownfield properties in our urban areas. Unfortunately, these properties are often not viewed in the marketplace as “valuable” because the bureaucratic and liability barriers to redeveloping brownfields are so much more significant than for developing a greenfield. CBIA suggest this subdivision be changed to: “adopt public policies that allow for the expeditious redevelopment of brownfields and incentivize private investment in such projects.”

- (5) “steer growth and real estate development to appropriate areas of our state.”

Again here, the term “appropriate” is subjective and unhelpful. CBIA believes this subdivision is intended to address where development occurs. This issue is already addressed in the definition of responsible growth principles and in our comments to subdivision 1 of this subsection. CBIA recommends this subdivision be omitted.

Sections 4, 5 and 6: Consistency of zoning, subdivision or inland wetland regulations with plans of conservation and development.

These sections strike us as problematic. Plans of Conservation and Development are not regulations nor written as such. Therefore, it is extremely difficult to make an objective determination as to whether a zoning, subdivision or inland wetland regulation is consistent with such a plan. This, in turn, will lead to further uncertainty, delays and legal proceedings associated with growth initiatives, including those that align themselves with responsible growth principles. CBIA recommends sections 4, 5 and 6 be deleted recognizing that recommending policies and initiatives to achieve responsible growth principles at all levels of government is implicit in the charge to the Responsible Growth Cabinet, created under section 2.

Section 7: Community Benefit Agreements

CBIA is opposed to this section. This is another area of the bill where the proposed language appears inconsistent with the premise that growth is necessary and good when done responsibly. Section 7 infers that growth is bad and that municipalities should be allowed to extract as many dollars from developers as possible in exchange for their approving a proposed development project. Especially at this time when Connecticut is taking extensive measures to reduce government corruption and abuse, this section is very ill-advised in our view and we strongly urge it be omitted from the bill.

