

To: Planning and Development Committee

Re: HB6756, an Act Concerning Open Space Preservation in Cluster Developments

Members of the Committee

I am and have been for many years a strong advocate of Open Space Preservation in Cluster Developments, but must voice my opposition to this proposed bill.

My opposition is based upon my experience as a builder developer since 1981 having constructed numerous projects in the Central Connecticut area, and also being a practicing attorney since 1978 primarily in the area of Land Use and real estate.

I believe strongly in the Open Space concept of development and have constantly encouraged its use, not only in our company's development projects, but also in advising clients of our firm. I strongly believe that we need to preserve as much land as possible for our future generations to enjoy while respecting an individual's right to use and develop their land. I personally want my grandchildren to enjoy Connecticut the way I have and believe that we should sustain the environment for future generations.

My problem with the proposal is that it looks at one aspect of an Open Space Preservation regulation without considering the total effect on the regulation. These regulations have been developed by Towns over the last 40 to 50 years, and each town has added their own local flavor. The formula for building lots are contained in the local regulations and have been modified over and over again. Most towns already address inland wetlands in computing density and none that I am aware of would allow development within and inland wetlands area. To show local impact, one must look at the regulations of each town. I am most familiar with Southington's regulations, having built my first project under that regulation in 1986, and am currently involved in building a 72 lot Open Space Subdivision. Southington's formula for computing density can be summarized as follows (Sec 3-07.3C):

Compute gross area of parcel

Deduct 10% for street rights of way

Deduct area of open space required under subdivision regulations

Deduct any ponds or substantial bodies of water

Deduct 25% of slopes in excess of 25%

Deduct 25 % Inland Wetlands

Deduct 75% floodplain area

Deduct 50% of area covered with easements or other restrictions

When you get to the net, then you divide that number by minimum lot area allowed in that zone which gives you the allowed upon number of lots. Then you have to meet the bulk requirements of the lots (frontage, setbacks etc.). Your lot size can be approx. 50% of the zone requirement with the remaining land going into open space. Sometimes there is a lot bonus sometimes not, but the regulations also provide that a standard conceptual subdivision layout needs to be submitted so that the Commission can review to make sure that the development makes sense. Most times the only bonus is the reduction in the infrastructure by way of shorter roads etc.

As I hope that I have shown by example, the best place to deal with Inland Wetlands as affects density in Open Space subdivisions is at the local level as many towns have. If proposed change to the statute were adopted then the net effect in Southington (at least from my perspective) is that we would use the conventional subdivision regulations in lieu of the Open Space Subdivision regulations until such time as the Open Space regulations were changed to negate the effect of this change. This would result in less open space preserved for our future generations to enjoy and to protect the environment.

Anthony A. Denorfia
Certified Green Professional
AA Denorfia Building & Development, LLC
133 Main St,
Southington, CT 06489
tony@denorfiabuilders.com

tel 860 628-9671 fax 860 276-1047 cell 860 637-0012