February 13, 2019

PLANNING AND DEVELOPMENT 11:15 a.m.

COMMITTEE PUBLIC HEARING

CHAIRPERSON: Representative Cristin McCarthy-Vahey

SENATORS: Cassano, Champagne, Bradley, Cohen, Somers.


REP. MCCARTHY VAHEY (133RD): Just note the location of the exits, the 2 doors through which you entered. In the event of an emergency, please walk quickly to the nearest exit and go to your right and proceed to the main stairs. Do not delay. Do not return unless you are advised that it is safe to do so. In the event of a lockdown announcement, please remain in the hearing room and stay away from the exit doors until an all-clear announcement is heard. So with that, we will begin. We have Mayor Ben Blake of Milford followed by Mary Dunne. Good morning Mr. Blake.

We have Mayor Ben Blake of Milford followed by Mary Dunne. Good morning Mr. Blake.

MAYOR BEN BLAKE: Good morning. My name is Ben Blake. I'm the mayor of the city of Milford Connecticut, and I'm testifying here today on behalf of the Connecticut Conference of Municipalities in regard to House Bill 5229. I'm hoping to have some discussion with you in regards to improvements on the existing piece of legislation, Connecticut
General Statutes section 8-2, and essentially this is just a housekeeping matter, at least in my opinion, because our request is that you clean up and outdated and old 1931 statute that does not make much sense in the 21st century. Basically, Connecticut General Statute 8-2 says that local zoning commissions are allowed to regulate the size, the height, the location of advertising signs and billboards, and there was a very recent Supreme Court case that involved my town, Milford Connecticut, and our zoning officer, and her attempts to enforce signage appropriately, and the findings of the Supreme Court in that case basically said that local zoning commissions, towns, cities, could only enforce advertising signs, not all signs, advertising signs. What that means is that zoning officers, towns, cities have to take the content-specific approach to enforcement of signs. The Supreme Court said that they could only enforce signs that essentially promote a product. What that means is if there is a sign, banner, a billboard that says drink Coke, the zoning enforcement officer would be allowed to enforce that billboard. If there was that same placard that said, do not drink Pepsi, that would be hands off because it is not promoting a particular product, or drink Dunkin' Donuts coffee, that would be enforceable, but do not drink Starbucks coffee—that would not be enforceable.

It leaves zoning offices and zoning commissions down this rabbit hole that we do not want to go because government, when does enforce the First Amendment and free speech, it should always do so in a content neutral manner. Zoning boards, zoning commissions, zoning officers they should only be regulating, enforcing the size, the height, the location of signs, nothing else. They do so because there are
public safety issues at play. There are health issues at play, and there are neighborhood aesthetics at play.

Our request is to eliminate or strike the word advertising from the existing state statute 8-2. There is a pending bill right now, 5229, that suggests that this committee define advertising in one way, shape or form. I think that is problematic because it will lead you down that same rabbit hole where a zoning enforcement officer is going to have to take a specific content, specific look at each sign. So, I'm happy to share with you other thoughts about the underlying Supreme Court case. I'm happy to share other considerations about this, but I would just respectfully request your consideration in striking the word advertising from the existing state statute.

REP. MCCARTHY VAHEY (133RD): Thank you Mr. Mayor. Are there members of the committee with any questions for Mayor Blake? Representative Delnicki.

REP. DELNICKI (14TH): Thank you, Madam Chair. If the word advertising struck, could a zoning enforcement officer at that point in time regulate the size of the sign?

MAYOR BEN BLAKE: So, again, this is the enabling legislation that allows local zoning commissions to adopt their own town specific regulations, but enabling legislation allows towns and cities to adopt regulations only as to location, size, and height, nothing else. That is what the existing enabling legislation allows you to do. The problem right now is that zoning officers can only regulate those signs height, size, and location for advertising signs, signs that promote a particular
product. We want to change that, by striking the word advertising, it allows zoning enforcement officers to regulate all signs, regardless of the content.

REP. DELNICKI (14TH): So, then the zoning enforcement officer, could they regulate a political sign expressing free speech and the First Amendment?

MAYOR BEN BLAKE: Political signs have a different degree of scrutiny than other signs, but if there is a sign that, for example is too large, that is causing a public safety issue, right now they cannot regulate any signs other than advertising signs.

REP. DELNICKI (14TH): So, then conceivably they could regulate the size of a political sign, the content of a political sign if we strike advertising?

MAYOR BEN BLAKE: What removing the word advertising does is it essentially allows zoning enforcement officers to regulate the back of the sign, a sign without any type of written content. They look at the size, the height, and location of the sign regardless of what it says and advertise it not based on the wording of the sign, but only size, height, and location.

REP. DELNICKI (14TH): So, you would not support the concept of advertising—the phrase advertising being defined in some sort of fashion as advertising in the positive or negative about a product? You know, because you used the analogy of, do not drink Dunkin' Donuts coffee or Starbucks, whatever it was, as something that could not be regulated but in essence that is advertising in the negative.
MAYOR BEN BLAKE: Right, so the city of Milford in the court case actually proposed that to the court in the case of Kuchta v. Arisian, and the court said that positive or negative interpretation of advertising may be in play 2018, 2019, but the term as it was defined back in 1931, which is the level of review that the court had to take because that is when the statute was enacted, that was a determinant factor. My position is that the more you go down this rabbit hole, the more you define advertising, even if it is realistic in 2019, in 20, 30, or 40 years, the definition, or how governments interpret advertising may change. By striking the word advertising in its entirety, there is no room for confusion. Zoning enforcement officers do not have to look at the content whatsoever. They just regulate the size, the height, and the location of a piece of cardboard or a piece of vinyl or a piece of plywood.

REP. DELNICKI (14TH): I certainly appreciate your testimony. As a former municipal leader, former mayor of the town of South Windsor, I can empathize with you with the situation you have there. Thank you for your testimony. Thank you, Madam Chair.

MAYOR BEN BLAKE: And Madam Chair, it is not just Milford, this Supreme Court case obviously applies to all 169 towns and cities in Connecticut, so this new interpretation of the law is now affecting all zoning enforcement officers across the state.

REP. MCCARTHY VAHEY (133RD): Thank you for that clarification. Are there further questions from members of the committee? Thank you, Mr. Mayor.

MAYOR BEN BLAKE: Thank you.
MARY DUNNE: Representative Zawistowski, Representative McCarthy Vahey, and members of the Planning and Development Committee, thank you for the opportunity to testify regarding our thoughts on House Bill 6552, AN ACT CONCERNING EXEMPTIONS FROM CERTAIN HISTORIC PRESERVATION REQUIREMENTS. My name is Mary Dunne, I'm the State Historic Preservation Officer for the Department of Economic and Community Development, and I'm here on behalf of acting Commissioner David Kooris. We submitted written testimony, so I'm just going to briefly summarize the points, and then I'd be happy to take any questions you might have.

As you are aware, our mission at the State Historic Preservation Office is to strengthen communities by identifying and investing in the historic places that define the state's character. The State Historic Preservation Office is opposed to the proposed bill for several reasons. The proposed House Bill request an exemption for municipalities on the provisions of chapter 97a, in this chapter is enabling legislation that allows municipalities to identify historic places that are important to them and then put in place local legislation for the preservation and management of those properties and districts. It is done at the sole discretion of the municipality, and so it seems--the proposal seems incongruous with existing law. Rather than seek an exemption through the chapter 97a, a municipality could just choose not to enact those powers in the first place. The bill also requests an exemption from the provisions of chapter 97a for individuals who wish to alter an historic building located in an
opportunity zone, and again, chapter 97a puts the decision-making power at the local level, in the hands of individuals. They get to decide what is meaningful to them in their communities, and in fact it takes a two-thirds majority vote by individual property owners before a local ordinance can even be considered.

Because these districts and properties have been identified by local communities that are significant to them, we're concerned that this proposed bill frankly overrides the will of the people and could possibly undermine their confidence in the existing law. Finally, we ask that the committee consider the importance of historic preservation as an economic catalyst. The State Historic Preservation Office administers two historic rehabilitation tax credit incentives. These could be used to leverage funds that are associated with development in opportunity zones. The tax credit programs would provide a financial incentive for properties that are listed on the state or national register that want to undergo rehabilitation, and of the 27 municipalities that have designated opportunity zones, 18 of them have historic districts that overlap these zones. So, there's a lot of potential for considering historic preservation as a development tool rather than an obstacle. Thank you for your consideration.


REP. ZAWISTOWSKI (61ST): Thank you. Thank you for coming in to speak about this as well. This particular problem that is addressed in this bill, is this a pervasive problem throughout the state or
is this a specific town or county that this is occurring in?

MARY DUNNE: You mean the proposal to provide exemptions?

REP. ZAWISTOWSKI (61ST): Yes, is this something that you've seen throughout the state or does this address a particular municipality?

MARY DUNNE: This is the first I've seen of this proposal--of this attempt to edit the statue to provide this exemption.

REP. ZAWISTOWSKI (61ST): Okay, but this hasn't been an ongoing issue that's being addressed at this point that seems to have, you know, gotten some legs?

MARY DUNNE: Not that I know of. Not this particular issue.

REP. ZAWISTOWSKI (61ST): Okay, okay thank you.

REP. MCCARTHY VAHEY (133RD): Thank you representative. Are there further questions from members of the committee? Thank you for--Representative Gucker.

REP. GUCKER (138TH): I'm over here in Siberia [laughter] with my good partner. Quick question, I know in Danbury we have historic zones as far as certain bills that are on the historic registry, but what the city of Danbury has done is they have allowed the interiors of the structures to be modified and turned into more usable spaces. Would this go farther than that? I mean part of what they do is they want to keep the integrity and the historic nature of the building but understanding that it's not usable in its present state.
MARY DUNNE: I think it's quite common for the interiors to be rehabilitated for current use, for modern uses, that even applies to properties that are in local historic districts. Interiors are not regulated, and interiors are regularly rehabilitated to adaptively reuse historic buildings without demolishing the building or disrupting our historic places, and 97a does not apply to the interior buildings.

REP. GUCKER (138TH): So if I could, so this would be more about exteriors is what we're looking at, we're changing this, or is it—I'm trying to get my head around—

MARY DUNNE: I didn't introduce the bill, so I'm not quite sure what the motivation is, but from what I can understand it's asking for an exemption from the provisions of 97a, and 97a provides for the review of exterior alterations to historic resources.

REP. GUCKER (138TH): All right. Thank you, Madam Chair.

REP. MCCARTHY VAHEY (133RD): Thank you representative. Representative Michel.

REP. MICHEL (146TH): Thank you, Madam Chair. Thank you for testifying. I'm representing Stanford, and I thank you for your testimony. I just wanted to point out in Stanford we haven't done necessarily such a great job at preserving some of our historical buildings, so I'm looking forward to getting more information about this bill before I would make any sound decision but thank you for coming.

MARY DUNNE: Thank you for having me.

REP. MCCARTHY VAHEY (133RD): Thank you representative. If there are no further questions,
thank you Ms. Dunne for your testimony. Next, we have Senator Fasano on the list. I do not see him in the room, and Representative Cheeseman followed by Victor Funderburk. Good morning representative.

REP. CHEESEMAN (37TH): Good morning. Good morning Madam Chair and Ranking Members Champagne and Zawistowski and distinguish members of the Planning and Development Committee. I appreciate this opportunity to testify in front of you first of all in support of House Bill 5740, AN ACT CONCERNING MUNICIPAL REGULATION OF HANDICAP PARKING SPACES, and I have to apologize to you, the wording of this is somewhat infelicitous. This was the result of a request from a constituent, a handicap gentleman, who has in fact submitted testimony, Joseph Mingo, and I think his testimony explains the issues that we're confronting with regard to how we regulate handicap parking spaces.

There are a number of bodies that determine just how these should be allocated, among them the Americans With Disabilities Act. We have regulations in our own building codes, motor vehicle laws, but they don't appear to be consistently enforced and regulated, and I'm discovering this as my darling 92-year-old father has finally been persuaded not to drive anymore, and as I'm ferrying him around, the position of the handicap parking spaces seems almost frivolous in some cases, and I know what the laws are. So, I'm sure as our former colleague, Samuel Belsito, was sitting and watching this he would be cringing, but what I would love to see is some sort of study looking at exactly how we enforce our handicap parking regulations throughout our municipalities.
As we have an aging population, we want everyone to be able to continue to access the resources we have in our communities, but if we were not consistently applying the regulations, that makes it very difficult. So, I would, as I said, I would love to see, despite the wording of this bill, the committee consider looking at a study of exactly how we're enforcing and regulating handicap parking.

I welcome the opportunity to testify in support of House Bill 5123, AN ACT PROHIBITING THE USE OF EMINENT DOMAIN FOR COMMERCIAL PURPOSES. I won't bore you with the Kelo versus New London story where the city of New London exercised its eminent domain to create a new commercial development largely to benefit Pfizer. We are now many years after this decision. Pfizer has left, they departed before their tax exemption expired, were it not for elected vote, all that land that was home to hundreds of hundreds of people, a thriving neighborhood, lies empty and vacant.

The city has forfeited 100s of thousands of dollars in property taxes. Prior to the Supreme Court decision, there were seven states that had laws regarding eminent domain to benefit commercial entities. Since then 44 states have amended their statutes to prohibit this taking for commercial purposes, and I find it very sad that Connecticut, who was the home of this very unfortunate decision, is not among them. So, I would urge this committee to take this up. I think it's a matter of justice. I think it's a matter of doing what's best for our communities, and you will have my undying support should you decide to advance this bill. Thank you very much for having this opportunity.
REP. MCCARTHY VAHEY (133RD): Thank you representative. Are there members with questions? Representative Gucker.

REP. GUCKER (138TH): Thank you, Madam Chair. Many years ago, before I went into the profession I’m in now, I used to design parking lots and buildings and things of that sort. Are you looking to, in regards to the handicap spaces, their locations and their amounts? Is that what--

REP. CHEESEMAN (37TH): I think it's more a question of location as to amounts. I think the amounts are pretty well known in the building codes, and I know when--I used to sit on zoning when I served on the board. They're pretty good about looking at that in the town building, but I think it's the positioning, and ensuring that they are in fact placed as close as possible to the building. Because very often I will go somewhere, as I said, I'm now driving my father around, and it appears that this is the prime space for handicap parking and it's not, and I think my constituent also brought up the issue of just ensuring that people parking in handicapped parking spaces are in fact handicapped, I know that's an ongoing concern.

REP. GUCKER (138TH): So, we'd be looking at maybe like a distance, so many feet from the access way would be permitted for what you would like?

REP. CHEESEMAN (37TH): That would be ideal.

REP. GUCKER (138TH): Thank you.

REP. MCCARTHY VAHEY (133RD): Thank you representative. Representative Michel.

REP. MICHEL (146TH): Thank you, Madam Chairman. Thank you for your testimony. I just got a question,
I'm sorry I might've missed a little bit of what you were saying so I might be asking something already mentioned, aren't municipalities able to regulate how--like the location of the--

REP. CHEESEMAN (37TH): I think the way the different overlapping laws stand municipalities don't--when they're looking at the building codes it is, does this fit what the building code says, but again my constituent, Joe Mingo, submitted testimony, and there are a number of overlapping laws that govern this, and I think we'd want to see, through our municipalities, some consistency and knowing that everything is being done to allow everyone in our community to have access to the services that they want to use.

REP. MICHEL (146TH): I appreciate, and I understand this is a good will when fully practice, but I'm just curious about local more than the municipalities handling it, but thank you.


REP. ZAWISTOWSKI (61ST): Thank you, Madam Chair. Thank you for coming in and bringing up the handicap parking spot situation. I took care of my 96-year-old mom for a while, so I certainly understand how the placement isn't always consistent. Question for you, I think you're really looking for a study, is that correct?

REP. CHEESEMAN (37TH): I think that that would be the next best step because I would love to know how consistently the regulations are enforced, where there are contradictions perhaps in the ADA and the
state statute, and the Department of Motor Vehicles. I think that would be an excellent first step.

REP. ZAWISTOWSKI (61ST): If it doesn't rise to that level of a study, you may want to even consider a working group that doesn't need to be set up by the legislature, that might be a thought. I don't know where you would think about—I'm not sure who would house that, probably Human Services.

REP. CHEESEMAN (37TH): I would welcome anything that would address what I perceive and certainly my constituent perceives as issues that again allow everyone in our community to have the fullest and most accessible access to stores, restaurants, you know, wherever they want to go.

REP. ZAWISTOWSKI (61ST): Yeah, I think it's very worthwhile pursuit to try to at least get some consistency. I was reading Mr. Mingo's testimony here and it mentions that there are different—there's international building code, motor vehicle laws, ADA, so yes, I certainly understand the need to be able to get some consistency of it, and the problem with people parking in them when they shouldn't, it's a couple of things. I think that now that they have to be renewed, I think that's very helpful. The other thing is I think you need some kind of identification. I actually have a bill in transportation today being heard requiring photo placards, photos on the placards. I'm not sure if that is going anywhere, but I think we need to move this in the right direction because there is a problem with a lot of people parking in the wrong spots and having the spots in the wrong places. Thank you very much. Thank you, Madam Chair.
REP. MCCARTHY VAHEY (133RD): Thank you representative, and you raise an interesting point about not being sure where it would be housed. I think that is part of the issue with this just because it does fit in so many different departments, and I was just in Transportation briefly for a hearing in my former police chief pointed out, in terms of public safety on another parking issue, its infrastructure or engineering, education and enforcement, and all three of those pieces are really important to this, so I do think it is a worthwhile discussion to try and bring folks together, whether it's a study or a working group, so that we can do a better job to provide access for people from all walks of life and in all situations, so thank you for your testimony today.

REP. CHEESEMAN (37TH): Thank you very much, and I appreciate you taking the time to hear my testimony today.

REP. MCCARTHY VAHEY (133RD): Next on the list--I actually missed--I still don't see Senator Fasano. I missed Senator Maroney, she is here in the room. Welcome Senator Maroney. Good morning.

SENATOR MARONEY (14TH): Good morning. I apologize for being late, so thank you for still allowing me time to speak. Chairman McCarthy Vahey, Chairman Cassano, who's not here, ranking members, and Vice Chairman and distinguished members of the Planning and Development Committee, my name is James Maroney and I represent the 14th state Senate District, and I'm here to testify in favor of Senate Bill 361, AN ACT CONCERNING A MUNICIPAL OPTION TO ESTABLISH A COPY TAX CREDIT FOR DONATIONS TO PROMISE OR SIMILAR SCHOLARSHIP PROGRAMS ESTABLISHED BY THE MUNICIPALITY.
I've submitted written testimony, so I will not read that, I will spare you that, instead I'll just summarize my testimony and see if you had any questions for me. Basically, this bill is not a mandate, it's just an option to allow municipalities to offer a property tax credit to companies or individuals who donate to a Promise or a similar scholarship program for college attendance or community college attendance. Currently in the State of Connecticut we have two such Promise Programs, there's the Hartford Promise and the New Haven's Promise. Hartford Promise is a newer program, New Haven's Promise is I think 8 years old and in existence.

As you may be aware, we have somewhat of a student loan crisis in our country. In Connecticut the student loan debt has blown up from over $8 billion dollars to $17 billion dollars in the last 10 years. In addition, according to studies, by 2025 70 percent of Connecticut jobs will require a postsecondary credential, currently we're at 56 percent. So, we know that we have a need for students to get higher education, and it's a tremendous burden on them cost-wise now. The Promise Programs across the country have been very successful. The first one was Kalamazoo Promise in Michigan. In a study of all the Promise Programs, one of the things they did find is that they actually lead to population growth in the town because young families are more reluctant to move out if they're able to get a scholarship for college. They've actually seen, in New Haven, it reversed a near 50-year decline in their student population and the number of students has increased. The effect nationally is about 1.7 on growing the population, and it actually shows a 1 percent
increase in the property values in those towns, which, while substantial, is not enough to fund these programs, but it is an added benefit for the community.

What it's looking to do is keep students in the public schools. In New Haven you can get 100 percent if you're there K-12, and it's a declining percentage for each number of years, and then it also has helped improve behavior in the schools because if you have any expulsion, you're no longer eligible. They've shown that they've increased test scores and that's across the country, state test scores for students in schools that have the Promise Programs. So, they have been tremendously successful, and as I said, this is just one tool that we can use to help our students to get their higher education, to get a college degree. I thank you for your time, and I'd be happy to answer any question.

REP. MCCARTHY VAHEY (133RD): Thank you so much Senator Maroney. Are there any questions from members of the committee? Representatives Zawistowski.

REP. ZAWISTOWSKI (61ST): Thank Madam Chair. Actually, this is a question about Promise Programs in general. Are they strictly for two or four-year colleges or are they for additional certificate programs? Can people work through the certificate programs based on the type of program? I know we're not being very specific on the programs, but just in general, it's a curiosity.

SENATOR MARONEY (14TH): I think that they're all different. I think that they can set that up, and you raise a good point. When we say 70 percent of
the jobs will require postsecondary credential, that doesn't mean a bachelor's degree, associate's degree, it's a certificate, right, so certain high-value certificates. New Haven Promise you can get up to 10,000 dollars if you're going to state schools, so the community colleges or the state universities, and it's a smaller benefit if you're going in-state to private colleges, but I believe that you can establish those programs, the municipality would be able to do that.

REP. ZAWISTOWSKI (61ST): Thank you, Madam Chair.

REP. MCCARTHY VAHEY (133RD): Thank you Representatives Zawistowski. Representative Michel.

REP. MICHEL (146TH): Thank you, Madam Chair. Thank you for testifying today. To allow municipalities to provide property tax credit to companies or individuals that donate to a Promise or similar scholarship program, does this apply to corporations? Some corporations and some developers in certain cities will donate in exchange for some of the--sometimes that works that they might be doing our pollution or stuff like that, would that also include corporations or developers for example?

SENATOR MARONEY (14TH): Yeah, so this is enabling legislation, so it would enable the municipalities to allow for a property tax credit. So, if the corporations had property tax then I think the municipality would allow for that--that would count, but you know the property doesn't have to just be the building, you know, municipalities are businesses, they pay property tax on the equipment, office supplies, they pay it on anything that's owned within the business, so yes, it would potentially apply to corporations or businesses.
REP. MICHEL (146TH): Okay, thank you. Thank you, Madam Chair.

REP. MCCARTHY VAHEY (133RD): Thank you Representative. Other questions? Representative Haines.

REP. HAINES (34TH): Hi, thanks so much for being here and testifying today. In regards to this, are there any study or anything that says what the municipality loses when a credit is given? You know as far as property tax goes, you know, where the programs are most successful, how much of revenue is a municipality losing to provide for this program? Not that the program isn't great, it sounds like a great program, but obviously there is some coffers that are going to be missing some funds.

SENATOR MARONEY (14TH): Right, and so again, it would be enabling so they would choose, and it would allow them to set whatever the credit rate was. So, if they wanted to give a 25 percent property tax credit for a $1,000 dollar donation then the municipalities would be losing that $250 dollars. They've done these--it's kind of based off of what has been done in Colorado, and so at one point the Education Commission for the states came out and testified at a hearing here for the Planning Commission on higher education, and in speaking with the representative there she had told me that in Colorado, and it's more on a county level there, so we could look to see what the impact has been on those budgets by looking at Colorado.

REP. HAINES (34TH): Do you have any idea in Colorado what the going rate is? Is it a 10 percent? Is it percentage based? What do they do there?

SENATOR MARONEY (14TH): No, I'm not--I don't know.
REP. HAINES (34TH): You don't know. Okay, all right.

REP. MCCARTHY VAHEY (133RD): Thank you Representative Haines. Senator I have a question for you, are you aware of other communities in Connecticut that are farther along in the process or in process to actually set up a program besides Hartford and New Haven?

SENATOR MARONEY (14TH): So, I spoke with a representative from New Haven, Thomas, yesterday he was actually on NPR yesterday speaking about ways to tackle the student debt crisis and theirs being one potential solution. I think he mentioned there were a few other communities that are interested in it. I think he mentioned Bridgeport maybe and I think some others, but I think it's early stages for any of the other communities. So, we're also--you know, Mayor Blake testified before, so we are looking at trying to set something up like that, but we're also in very early stages in Milford.

REP. MCCARTHY VAHEY (133RD): Thank you, and for the second time, Representative Michel.

REP. MICHEL (146TH): Thank you, Madam Chair. Just to add another comment to this, I know that some communities where the leadership of the local government are usually quite in agreement with the developers, and a lot of my constituents, for example are tired to see credits being giving to corporations in Stanford particularly. So, I just wanted to give you this comment.

SENATOR MARONEY (14TH): Thank you, and as far as any other towns, if I can go back to that question, that are considering it, one of the things when I did speak with New Haven Commerce they run an annual
symposium in June, and they bring in other Promise Programs from around the country and anyone who's interested. So, they did offer to perhaps, you know, add a session for any towns on how to set up the program and to give some advice in that way.

REP. MCCARTHY VAHEY (133RD): Well, thank you Senator Maroney, and I appreciate--I hold my comments. Representative Gucker.

REP. GUCKER (138TH): Thank you. We in Danbury have a situation where our leadership gives out seven-year tax abatements to residential developers of which in turn winds up negatively affecting our school budget because of the added impact to the school system with not having those monies to come to support local schools. With having corporations or businesses come in, would this be left up to the municipality to decide how much and how far to go with it number one? Number two, with this--if the corporation gets a tax benefit or break, would that negatively impact the schools? Because most towns or cities want to get businesses in because they don't impact the school system, you know, they use the services, they use the area, but they don't use the schools or other things that are negative. If you'd just elaborate a little bit on that.

SENATOR MARONEY (14TH): Yeah, so this would be enabling legislation so that municipality would decide on how they wanted to use this benefit. I think it's benefit to the community, as it does make it more attractive for younger families to move in if you're offering a college scholarship. As you know that's one of the biggest concerns of young parents is the ability to pay for their child's college education, whether it's a certificate, an Associates degree, or bachelor's degree, you know
that that's essential in our environment today. It's very difficult to make a living without having a credential. So, this will be one creative way. I think there are many ways we need to attack this problem and make college more affordable. I think Yale is over $75,000 dollars a year all in now, and they are not the only private college. You're looking at spending $300,000 dollars a year if you're sending the child to a private college—or $300,000 dollars total to educate a student, and so we need to find ways, different ways, and this would just be one toolkit for the state to help our students get the degrees we need. Because our biggest advantage as a state is our educated workforce, right? We have one of the most highly educated workforces in the country, and that's how we're going to get companies to locate here is because of the workforce, and so this is just one way to continue that.

They found through the Promise that theses students end up staying in Connecticut, right, and all the programs and so they go to school, and they stay here and don't necessarily move out. So, there are a lot of benefits to the municipality. There is a short-term loss, but I guess you'd have to prioritize, you know, and would be up to the municipalities to decide if this is something they felt was important to them.

REP. GUCKER (138TH): I thank you for testifying, and I appreciate you going forward with this, thank you.

REP. MCCARTHY VAHEY (133RD): Thank you Representative, and thank you Senator. I think it's an interesting conversation for us to be having. Certainly the looming debt crisis is going to have
an enormous impact, in fact, it is already in many ways, and in terms of retaining millennials and those younger, the new generation as well, is really critical to our economic future, so I appreciate this conversation and will be interested to continue it with you.

SENIOR MARONEY (14TH): Great. Thank you very much.

REP. MCCARTHY VAHEY (133RD): Thank you so much for your testimony today. Next up we have Victor Funderburk, Mayor of Windham, followed by Representative Johnson. Representative Johnson, you'll be coming up together then?

REP. JOHNSON (49TH): Thank you so much Madam chair, and I thank you for raising our bill. Victor Funderburk, our mayor, is not here, but I do have with me our Town Manager, Jim Rivers, and also our Economic Development Director, Jim Bellano. So, I checked in with the staff to see if we could come together, and maybe I would give you some overview and then have them tell you a little bit more about their work, if that's okay with you.

REP. MCCARTHY VAHEY (133RD): Okay. Thank you.

REP. JOHNSON (49TH): Okay, thank you so much. So, again, thank you so much for hearing this bill. This is a bill that has come up in Windham because of the difficulty we've had in developing our main street. Back in 1976 the State of Connecticut owned a building called the Nathan Hale Hall, and it was closed down by the State of Connecticut and has remained vacant ever since 1976. Next door to that was something called the Hotel Hooker. It was a place for people to be able to stay, and eventually, because of the deterioration of the building, the people had to use the Relocation Assistance Act to
be moved out of the building, and the building was crumbling and the bottom had to be stabilized so it wouldn't fall into the fire department, and they are definitely in a federal historic area, as designated by the Towns Act back 1982 I think it was, but the problem is, is that when you take a look at the statute--originally when I took a look at this when I put the context in, it listed, you know, you have to continuously look at this because it brings in the federal statutes, because this is a federal historic district, and then it also uses chapter 97a, but I think that most of the difficulty we're having is with respect to 22a-19.

In my testimony, I've given you some language changes that might help us resolve some of the issues that we find. This is not a State Historic District, which would be different and I wouldn't want to include a State Historic District in this circumstance. We have a State Historic District in one of the villages where we are, and they have also a committee that's working on raising funds and doing that sort of thing. So, this bill would be for something like what we have here. There's no community involvement in this except for the designation as a Federal Historic District, which brings in the Federal Law and also the State Environmental Laws.

So, because of that and because of the way that the whole scheme is configured, I would be happy to work with you on making the adjustments in addition to whatever I propose here--the adjustments that I propose here, to try and make sure that the State Historic Preservation Office continues to do the work that it does. I'm very, very supportive of historic buildings. We have been very fortunate to
receive money from the state to address the historic buildings on Main Street. The people who are supportive of this bill are also renovating buildings that can be renovated, but this is just right in the middle of our Main Street. It's about--it's more than--the square footage is more than a football field if you add the building's together, so there's a lot of acreage. The downtown area, where I am, is about 4 city blocks, it's very small, so this really overwhelms everything else in downtown and it has for 40 years, and as I've mentioned, we are a distressed municipality, so we will have a hard time attracting a developer. We finally have a developer, and to have interference based on this, because there has been interference with the State Historic Preservation Office trying to determine whether or not these buildings or something that should be addressed in some other way than what the developer chooses to do, is something that I'm hoping that we can actually stop them from doing. So, I would like to bring forward the two people that I brought with me as well that are working on this issue, and also the town council has written a resolution--a supporting resolution, to try and stop the State Historic Preservation Office from interfering with this particular development as well.

So, we are going to work very hard to try and stop them from limiting our ability to develop our downtown, and finally we have zoning regulations that require that any new development that we do actually duplicates the existing look, appearance, of the buildings that might have to be removed. There's no building permit at this point to destroy the buildings. It's just something that the State Historic Preservation Office has intervened in
without having any of the permitting for any of those kinds of things, and an they've been after us for the last couple of years because we have been trying to get this area developed, and I'm not sure where they have the authority for that because, again, if you look at the statutory scheme, it leaves a lot to be desired. So, I would be glad to work with you on that and try and make it so that it's--so if you do have a committee, if you do have a state designation that's fine, that's not what this is, this is a much different circumstance. I'm going to introduce Jim Bellano, he's our economic developer, development coordinator.

REP. MCCARTHY VAHEY (133RD): Welcome Mr. Bellano.

JIM BELLANO: Good morning Madam Chair, members of the committee. I'm here to speak in support of House Bill 6552, AN ACT CONCERNING EXEMPTIONS FROM CERTAIN HISTORIC PRESERVATION REQUIREMENTS, and as representative Johnson said, actually I read acting Commissioners Kooris' comments and heard from Ms. Dunne, and I agree with them on three aspects. There is something incongruous about the bill as it stands because it needs to encompass more than just chapter 97a. Chapter 439 is the Connecticut Environmental Protection Act, sections 22a, 15 through 19, are what's known as the "protection acts" and 19A deals with historic structures.

We have no issue with the normal protections afforded buildings that receive state money. We understand if there is state money and state action, the state has a role to supervise and has conditions there, but the situations we're talking about are one where the private developer, owning a private building, using all private money, and they seem to
be kind of forced into this scheme or even taking public money when they don't want it.

I also agree with them that it's a good idea to promote historic preservation's. Representative Johnson mentioned my written comments has a number of examples of where we've done that in Windham, but the question is what's the history of these buildings, are they historic? In the minds of the community, they're not. The Hooker Hotel really has an infamous history. It was mentioned before in testimony about affording the will of the people. This example of SHPO, you know, may be referring to the Attorney General for an injunction is thwarting the will of the local people who overwhelming seem to want these buildings taken down, and finally the historic preservation can work in tandem with opportunity zones, as the commissioner mentioned, but in certain situations, like here when there's private money and they're not looking for public money, we're greatly concerned about the historic preservation process, that it's extremely arbitrary and subjective, and rather than promote economic development in this case is going to thwart economic development.

A private developer who's going to come in and use their money to do a project doesn't want to have the state money and the state conditions imposed on them, that's what's being done here. Also, the process is we think arbitrary. They can have a builder keep the outside of the building and fixed the inside, that was mentioned, take down most of the building, keep the façade, take down the whole building and pay into historic fund. Now we don't just know where that authority comes from, especially with private money and a private
developer, and we're greatly concerned on that. The scale of historic development and the cost of historic development is always—if the scale is lowered, the cost is higher, and I'll just finish up in this case, the developer wants to do 150 market rate units on Main Street, you know, it would write the next chapter of Windham's history, not the last chapter. However, any historic rehabilitation group that has looked at these buildings over the past at least 10 years or more, has never been able to do more than 50 or 55 units and never proposed anything more.

So, it's not a boost economic development in this case, so now the exception I think that we're looking for is a building that has been abandoned, vacant, or underdeveloped for five plus years, is in a distressed municipality, and is in an opportunity zone, should be exempt from these conditions. Thank you.

REP. MCCARTHY VAHEY (133RD): Thank you. Are there questions from the members of the committee? Representative Michel.

REP. MICHEL (146TH): Thank you, Madam Chair. Thank you for testifying representative Johnson. I'm still having trouble figuring why the bill is structured to override local historic guidelines.

REP. JOHNSON (49TH): No. It really would be something that we'd want to be able to preserve, but at the same time, as we have said, having a building vacant for more than 40 years, and having a private developer that's not interested in state money, and having a zoning requirements that will make them duplicate the buildings just as it was or in some form that represents the historic form that we have
on our Main Street, are all the things that we're hoping to accomplish, and I'll just say two more things about that, one is in the early 1990s or so we had to Capitol Theater building, which was a historic building, and they tried to renovate it from the inside out. Unfortunately, during the process all the bricks crumbled all around except for one wall that was left. The building today looks just like it did, and so they were able to do the building over, and I don't think anybody would really say that they would recognize the difference, and I'm concerned a little bit, there was a safety issue. The person who was doing that renovation had actually—one of the workers was injured during that process when the building structure started to crumble.

So, these buildings, one is unstable anyway because we have to do relocation assistance because it was a dangerous building, the Hotel Hooker, and that's been vacant for more than 10 years now, and the other building has been vacant for 40 years. It has numerous types of hazards in it like asbestos and all kinds of other things that are problematic in terms of doing—it's not accessible, so the halls and all the rooms are very small. There's a lot of different difficulties with, you know, trying to do it over. So, you'd never be able to meet today's standards with either one of those buildings. So, I think that we are all committed to making sure that it looks just like it did only better and cleaner, and is not causing problems for the other businesses on Main Street because they're having a hard time functioning.

The other thing—when you think in terms of the opportunity cost that we suffered and also the
situation where when a developer goes into one of these buildings and there's delays for these kinds of things or requirements, then it's going to be very, very hard for them to recover the normal amount of money that they would recover in a regular municipality versus a distressed municipality. Those recovery costs for development are higher. So, when they do that investment, they calculate the cost of developing something in a distressed municipality, and we've been distressed, and I've just gotten the report on the town again, we are distressed again. So, it has been ongoing for some time, probably since we lost the mills in the mid-1980s, but thank you for your question.

JIM BELLANO: If I could answer that, you mention local control, it's actually one of the things we're trying to address. The statutes under the Protection Act, 22a, 15 through 19A, in a sense don't care about community input, it says any person. We were told the petition that was sent to the State Historic Commission was brought by a local individual, but something like 80 percent of the signatures were from out of town. So, they're not taking the community's perspective into--if they think historic, if they think it's unreasonable, they're going to save it. Anyone in the state can participate, so local is not considered as far as we know.

REP. MICHEL (146TH): Can we see any additional housing opportunities also for this?

REP. JOHNSON (49TH): Yeah, we'll have housing opportunities, which are really needed in my community. We have 3 homeless shelters. We have a huge need for that. We're the only community in the region that provides homeless shelters, and the
Norwich and Manchester have closed down and they've told us, well maybe you can house some people from Manchester and Norwich as well, so I mean we are really trying our best to take care of everything, and we're only 25,000 people, so--thank you so much for that question.

REP. MICHEL (146TH): Thank you so much. Thank you Madam chair.

REP. MCCARTHY VAHEY (133RD): Thank you representative. Representative Gucker and then Representative Zawistowski.

REP. GUCKER (138TH): So, these structures in your community, at this point they have become unsound, unsafe?

REP. JOHNSON (49TH): Well, certainly the Hotel Hooker was determined to be unsafe and then when it was abandoned there was a chance to actually hold the structure up so it wouldn't crumble into the next building, so there's that with the Hotel Hooker. In terms of stability of the Hale, I'm not sure what that is. I know that it's got numerous environmental issues and substantial building too, but I don't know exactly. I think that you'd only know once you started to try and address it by removing all the insides that have asbestos and all this other stuff and lead, and so I'm not sure just what that condition would be.

REP. GUCKER (138TH): So, if I could follow up--so you have environmental concerns as far as abatement. That would be extremely limited, and when you do that abatement then would that then compromise the structure itself?
REP. JOHNSON (49TH): It could. That's what happened with their Capitol Theater building, and I think the Capitol Theater building was about the same age, just a little more than 100 years old I think, and another thing, I think that some of this--some of the law was written back in 1960s, about 50 years, and so here we are, so we could be trying to save a 1960s building, which may not have the same flavor, just a thought.

REP. GUCKER (138TH): Yeah, we have a structure in Danbury that is historic, in fact it's on the Historic Registry, it was built, I want to say in 1913, it looks exactly like Gillette Castle, but it's actually a castle in Danbury to which the local government felt not to keep up with its maintenance, and at this point the roof is in the basement, and the mayor is looking into turning into a patio. So, even though it's on a historic list, nothing is precluding it.

So, I just wanted to see if that's maybe some of what you are dealing with sometimes. You know, as a big advocate for historic preservation and fighting for historic preservation in my city, that has come up. So, I would be interested in learning more on this and maybe looking at, you know, maybe look at language as far as safety concerns dealing with some of these buildings, you know, what is the financial feasibility of being able to put them back up or at the very least support them while you're doing these abatements. It's a big piece I think to a larger puzzle that we need to look at. So, I want to thank you for bringing this forward.

REP. JOHNSON (49TH): Thank you so much for that, and there is a real problem I think in the state and certainly in municipalities that are distressed or
municipalities that were once manufacturing companies, like in my district and like Danbury, and I think that the safety of the buildings—the fact of the matter is if you really want to take care of the buildings, if you really want to take care of doing historic renovation, then we need to do more housing code enforcement, we need to make sure buildings are stable, and when they're not, we need to make sure that they are fixed, and that the properties are still active and still ongoing. So, to wait until they're closed up, to wait until their vacant for 40 years, to wait until their vacant for 10 years is really a problem, and I think that we'd be doing ourselves all a big favor if we did more code enforcement and didn't let this occur. Maintaining our buildings is a lot less expensive than finding ourselves in a situation where they're abandoned, vacant, and needing that repair.

REP. MCCARTHY VAHEY (133RD): Thank you. Representative Zawistowski.

REP. ZAWISTOWSKI (61ST): Thank you, Madam Chair. I have two very brief questions, and thank you for coming in Representative Johnson and town manager and I don't remember you, what was your last name?

JIM BELLANO: Bellano.

REP. ZAWISTOWSKI (61ST): Thank you. Thank you for both coming in. What was the use of these properties before they became vacant? Were they apartments or storefronts?

REP. JOHNSON (49TH): Thank you for the question. Yes, the Nathan Hale was dorms for the Eastern Connecticut State University, and the state owned it until 2014, I believe, is when it was sold. It was on the state surplus property list, and so it was a
dormitory. In 1976 it closed, actually I was a student then, in any event, I was actually in the building just before they closed it and then it stayed vacant all that time. It was state property, the state didn't do anything with it because they said it was too expensive to address, and so there was that, and then the Hooker, the Hotel Hooker, it was a place where people who had very limited resources would stay. It was like in SRO in our downtown area, and the town of Windham, when we had the Housing Justice Program, spent approximately, to my recollection, it was about $14,000 a month to aid vouchers to keep people living in the Hotel Hooker, but the owner did not take care of the building at all, and the town had at that time half-time housing code officials.

I would go to—when we did our budget, every time where I was on the council, I would say, please put a full-time person in there, please do the coordination with the fire department that will be assisting in our ordinances. I asked for help and nothing happened with the enforcement of the, you know, maintaining the building, and so eventually this is what happened to the building. The bottom of it crumbled and it is very, very deteriorated.

REP. ZAWISTOWSKI (61ST): As an owner of a 200-year-old house, I appreciate what some of the things might be. The other question I have, these are on the National Register?

REP. JOHNSON (49TH): The Federal Register.

REP. ZAWISTOWSKI (61ST): Yeah, okay. Thank you very much. I appreciate that. Thank you, Madam Chair.

REP. MCCARTHY VAHEY (133RD): Thank you. Representative Kokoruda.
REP. KOKORUDA (101ST): Thank you, Madam Chair. Thank you Representative Johnson and both of you. Sorry for the voice. I might've missed what you said, but when you have been told no repeatedly, which organization was actually sending you this order of what to stop and giving you options on what you can do?

JIM BELLANO: Well, you're talking about the State Historic Preservation Office, and they haven't quite get sent, but they've been around this development, they've accepted no interest in this development for a while. They've known a private developer, although he just took title recently, was interested in demoing the buildings and putting up 100 market-rate units. So, we receive money through the Bond Commission back in September on a long-awaited project for parking garage that was on a vacant lot, that 80 percent was out of the historic district, maybe 20 percent or less in, and they asked us, you know, that goes through the normal state action phases, goes through all the environmental and historic commissions, but there's nothing historic on the site, it's vacant, but they asked us about this development, and we said, will what does that have to do with the parking garage, and they said it's intertwined. We need to deal with this development too. Eventually they backed off that, and we got a letter from them saying they weren't getting involved.

Then when this developer, prior to taking title, applied--DCD has a program for a letter of, I don't want to say the wrong word, but I think it's a letter of indemnification from the Transfer Act, it's a program they have, and you can't have title yet, but as the owner was applying for that, the
State Historic Preservation Office asked the Attorney General for an opinion whether that letter was the equivalent of state money or state action, and of course they were told no by the Attorney General's Office. So, they've taken two swings at the property, and this is swing number three. We are supposed to have a hearing in March regarding this. Again, this is private money, private developer, yet under this Protection Act they believe they can come in and, you know, they say work with, but in a sense kind of dictate to the developer how he can do the project.

REP. KOKORUDA (101ST): Madam Chair.

REP. MCCARTHY VAHEY (133RD): Representative.

REP. KOKORUDA (101ST): You mentioned when they work with you and give you options, did you mention an option suggested that you make donation to a group, could you tell us about that a little bit?

JIM BELLANO: My understanding is that this has been done in the past. I think SHPO could probably elaborate on it, but when they did take a tour with us, the representative from SHPO mentioned that there are situations where they may allow building to be demoed, but they have some formulas, so many dollars per square foot on what your demoing and it gets paid, I'm assuming to the state historic preservation trust or fund or something like that.

REP. KOKORUDA (101ST): And there's nothing in that that you know of that would make a consideration for a distressed community?

JIM BELLANO: I don't think the State Historic Preservation Office has any distinctions for opportunity zones or distressed communities. If the
buildings historic, I think the criteria is two, is it on the National Register or is it a contributing building, and will it be an unreasonable disruption, and that's the two criteria.

REP. KOKORUDA (101ST): Thank you very much.

REP. MCCARTHY VAHEY (133RD): Thank you representative. Any further questions from members of the committee? Representative Haines.

REP. HAINES (34TH): Hi, just for the purposes of this particular bill in relationship to it, when you talk about a distressed municipalities, what does that mean?

JIM BELLANO: DCD [phonetic] has set certain criteria. It probably has to do with median income. So, we are distressed municipality, and we have an enterprise zone overlaying this particular property, and we were also given one of the new designated opportunity—all three of those probably have similar criteria, but my guess is it is income base.

REP. HAINES (34TH): Well, let me tell you a little bit about distressed municipalities. We have been designated a distressed municipality over, and over again and part of it is because we lose businesses. We lost our manufacturing. We have lost so much in the way—we have not gained back what we've lost, and it also takes into consideration income of the people. I just got the overall income Willimantic Service District, which remains around 20 to 25,000 a year, but the whole town of Windham is about 40,000 a year. So, when you look at the overall income, the fact that we haven't been able to bring back the businesses that we've lost, all of these things go into making of a determination as to whether—it's a statutory determination and it is
made every year, you know, whether or not you have a
distressed municipality, so we've been on that list
for a long time.

REP. MCCARTHY VAHEY (133RD): Representative--

REP. HAINES (34TH): Can I follow up please? Thank
you, and then the only other question I have for you
is in regards to these vacant properties, we have
vacant properties technically in our town too, but
there are owners, and the owners have decided, for
whatever reason, that they're not gonna sell it,
they're not to do anything with it, they're just
gonna sit there and they become--talk about
distressed, you know, they crumble in front of us,
but there's nothing we can do because there is an
owner. In your situation that you're talking about,
currently are these properties owned by the town?

REP. JOHNSON (49TH): No, they've never been owned
by the town. What happened is one was abandoned and
it was--the first building, the Hale building was
owned by the state. The state put it on the surplus
property list, the state somehow acquired this
building, it was abandoned. The Hotel Hooker was
also acquired another building across the street,
this is the YMCA building. The business that bought
the buildings four years ago, and I actually voted
for them to buy it because I was sitting on the
Finance Committee at the time, they are the only
business in town really that spent a lot of resource
in terms of trying to keep the Main Street going.
They redeveloped our post office building, they sat
there once the federal people left in, and they
worked with the structure that was very historic.
These people have renovated that and made it into a
business. They've renovated--there has been some
other people that have done this work in other
buildings that are not--they've been difficult to manage, the two buildings we're talking about today.

So, these were on the state surplus property lists, and they were purchased for years ago in 2014, it was approved by our Finance Committee, and then we voted on it and that's how that it happened. So, it went from being on the state surplus property list, for a variety of reasons, but none of them were town owned, one was state owned, and ended up all being state owned and surplus property, and then from there one was basically donated to Our Piece of the Pie Path Academy for an education renovation and the state funded that to the tune of $6 million dollars to renovate it and bring it back, it's beautiful.

The town has also received money through the North Eastern Connecticut Community Development Corporation, and they have received approximately $4 million dollars to renovate a building that actually Teddy Roosevelt was seen at back in the day. So, that is right there $10 million on two buildings on Main Street that have been renovated, but these buildings are really a problem. I have studies that I can bring you and show you when I was on the council putting pieces of the puzzle together, and talks about trying to address the center of our Main Street, why isn't our Main Street thriving? It's the center of our Main Street. Now one side, the southside, is pretty much developed and the north side needs to be developed because there are pretty much empty buildings on the north side in our downtown area, which would be a great historic place to be. We have festivals there in the summer. It's a great spot, but having these places that are deteriorated, they look awful, and they're not providing any income for our town, and it's really
very, very stressful to everybody, and we're all trying to work very hard, and we have been since I was on the Council and before that when we did our plans of development, I remember back in 1986 we were working on it, so I've been working on this a while.

REP. HAINES (34TH): Okay. Can I follow up with one more?

REP. MCCARTHY VAHEY (133RD): One more. Thank you representative.

REP. HAINES (34TH): Thank you. Just one last question, if we were to make this now, exempt you from this, are you putting anything else in place of it whether it be, you know, a public referendum or something like that to, you know, approve that once you do have a plan or development phase to go into with this that it comes in front of the people in some way if it not before the zoning regulations, do you put it to the town to say this is the plan, this is what we're gonna do with this building now?

REP. JOHNSON (49TH): It's a private entity, a private developer bought it and now all the plans will be heard through the Zoning Commission. The Zoning Commission has requirements that they don't do anything to change the historic nature of our downtown, even if it has to be rebuilt. So, we are very determined to keep that. We think that's a great treasure. We have a Victorian Neighborhood Association. We have a lot of history. We have a new museum that I've worked hard to make sure we funded that goes into the history of the town. We have the Frog Bridge, which goes back to the day when we were in the colonial times. So, we really are focused on
making sure we keep our history, but we need to be able to have some flexibility as well.

REP. HAINES (34TH): My husband actually works for Centerbrook Architects who gave you those frogs, so I'm well aware. Thank you, Madam Chair.

REP. JOHNSON (49TH): We love the frogs.

REP. MCCARTHY VAHEY (133RD): Thank you representative. We have a question from Senator Champagne.

SENATOR CHAMPAGNE (35TH): Thank you. Just a couple of quick questions, this went through the local historic properties? Do you have one?

REP. JOHNSON (49TH): No.

SENATOR CHAMPAGNE (35TH): You don't, okay.

REP. JOHNSON (49TH): No.

SENATOR CHAMPAGNE (35TH): You said the town Council, it went through?

REP. JOHNSON (49TH): So, back in 1982 it created the federal historic district, but there is no committee or anything else except for the fact that it went through this process of--

SENATOR CHAMPAGNE (35TH): I thought they wrote something for the project.

REP. JOHNSON (49TH): Oh, the recent resolution that we have was based on the fact that we have been having this interaction with the State Historic Preservation Office, and they wanted to make sure that everybody was aware that we were going to try to resist any more interference with these buildings.
SENATOR CHAMPAGNE (35TH): And you had public comments during that?

REP. JOHNSON (49TH): Oh yes, we had a whole meeting on that. We had probably, I don't know, maybe 100 people came to the meeting, and they gave us our feedback, and there were some people here today that were there, so you'll be hearing from them later.

SENATOR CHAMPAGNE (35TH): And then my last question, you're going to planning and zoning?

REP. JOHNSON (49TH): Yes, absolutely.

SENATOR CHAMPAGNE (35TH): And you'll have a public hearing during that?

REP. JOHNSON (49TH): Yes, yes, and they have to be in compliance with our zoning rules that require that we have—we keep the historic nature of our downtown area, which is a very small area. It's only about four or five blocks, and we keep that the way it is.

SENATOR CHAMPAGNE (35TH): I just want to make sure we have opportunities for the—if this were to pass, we do have those opportunities for the public to come out and voice their comments, and I know the more people that show up, one way or the other either, would either promote this or kill this project, so just making sure that we did have at least one, well we have two incidents here for public availability for comment on this.

REP. JOHNSON (49TH): Thank you so much.

REP. MCCARTHY VAHEY (133RD): Thank you Senator. Representative Zawistowski.

REP. ZAWISTOWSKI (61ST): Thank you, Madam Chair for the second time. Two follow-up questions again, if
you could just give me a brief answer that'd be great. It is currently privately owned by a developer, is that correct?

REP. JOHNSON (49TH): Yes.

REP. ZAWISTOWSKI (61ST): Okay, and was the developer aware of these restrictions when he or she purchased the property?

REP. JOHNSON (49TH): I don't think so.

JIM BELLANO: Well yes because, again when they applied for the letter through DCD on the Transfer Act, they were told that it was being held up because the Historic Preservation was looking for an opinion from the Attorney General, and we have been working with them. We actually have a meeting with them later today over there, so they are well aware, and yes, he went forward with it because he thinks he is on the right side of this issue.

REP. ZAWISTOWSKI (61ST): Okay, but he did go forward with it knowing all the risk involved?

JIM BELLANO: Sure, but he thinks he can prevail. He thinks with the town support, and the community support and the business support, he thinks we can overcome the obstacles.

REP. ZAWISTOWSKI (61ST): Okay, thank you very much. Thank you, Madam Chair.

REP. MCCARTHY VAHEY (133RD): Thank you representative, and thank you for your testimony today. I'm glad to hear that you do have a meeting this afternoon to encourage ongoing conversation on this issue. Thank you.

REP. JOHNSON (49TH): Thank you so much for the opportunity.
REP. MCCARTHY VAHEY (133RD): At this point we have exceeded our one hour for elected and appointed officials, so we will be going to members of the public. So, we have Sean, and forgive me, I think I may be saying this incorrectly, Ghio from Partnership for Strong Communities. Is Sean here? Sean, if you could correct my pronunciation that would be wonderful.

SEAN GHIO: Yes, it's Sean Ghio, that's one I haven't heard before but thank you. I'm Sean Ghio, the policy director at Partnership For Strong Communities. We are statewide housing policy advocacy organization focused on ending homelessness and creating expanded opportunities for affordable housing in the state, and I'm here today to support the proposed House Bill 5273, AN ACT CONCERNING AS OF RIGHT MULTIFAMILY HOUSING ZONES.

Allowing for a range of housing types, including multifamily housing and transit, is really one of the fundamental ways Connecticut can improve housing affordability, and for those of you who may not know, nearly half of the renters in the state pay more than 30 percent of their income to its housing costs, that's the federal government's definition of what is affordable paying less than that, and there's about 200,000 households that pay half of their income on housing, rather that is rent for homeowners. Unfortunately, multifamily zoning has been zoned out of much of the state. There are many communities where it is not permitted at all or it is permitted only by special permit and under conditions that make it unlikely to be developed.

For all of you, we all live in Connecticut, and you may know that all of our communities have duplexes, triple-deckers, small apartment buildings found in
every town in the state. So, the question is how is that possible when we know that zoning does not really permit that. It's because these are all traditional forums that predate the zoning codes that we've lived under. Most of these properties are old, but they are traditional. There are forms that all of our towns, in the past, have seemed to fit into our communities, and multifamily homes continue to be the best way for many Connecticut families to find homes that meet their budgets.

I'd like to point you to a couple of resources I linked to in my testimony. I'm sorry I didn't bring any hard copies. One is the 2013 report when the partnership was a part of Transit Oriented Toolkit for Connecticut that really gets how transit-oriented development can be done in ways that are conducive to the communities and place making that we love about Connecticut, what we love already about our communities. The second resource I highly recommend is a report from the Regional Plan Association called Untapped Potential, it's a 2017 report that offers a blueprint for thoughtful transit-oriented development near our regions commuter rail stations. It's an excellent resource.

I'd just like to close by saying if you look at your own communities, if you go home to many of your communities, if you look at some of the places you prize most in your communities, they are often the town centers, the village centers, you will find multifamily housing. These are the places we actually love and hold up in our state as what is the character of the state, and we need to correct generations of zoning that only permits single-family housing.
REP. MCCARTHY VAHEY (133RD): Thank you Mr. Ghio. Are there questions from members of the committee? Representative Baker followed by Representative Zawistowski.

REP. BAKER (124TH): Good afternoon. Thank you for coming out in testifying. My question to you is that is this a particular area that you're talking about. Because I, you know, when I look at where I come from the Bridgeport area there are plenty of multifamily around these areas. Are you talking in terms of certain particular areas within the state of Connecticut?

SEAN GHIO: That do not have multifamily housing, is that your question? I'm sorry, I don't think I understand. Could you re-say that?

REP. BAKER (124TH): So, when you talk about zoning areas with the transit and stuff, are there specific areas that you are referring to? Because, you know, from my experience and where I see cities and a lot of areas, that there seems to be a lot of multifamily in those particular areas. So, I'm just wondering if there could be something that could be done in terms of transit buses, for example, can there be something that those particular transportation companies can re-route if there is a need in those particular towns where they are zoning for multifamily housing?

SEAN GHIO: I think I you--and I'm making a lot of assumptions about the bill because there is not a lot of language around it, but the way I viewed it as really looking at existing fixed transit stations like Metro-North stops, Hartford Line stations, CT Fastrack, and looking at the zoning in those particular places with existing transit stations
rather than an area that may have multifamily but
don't have good access to transit. I think that's
what you were getting at.


REP. MCCARTHY VAHEY (133RD): Thank you
Representative Baker. Representative Zawistowski.

REP. ZAWISTOWSKI (61ST): Thank you Madam Chair.
Thank you for coming in to testify today. I have a
few questions. I know that you probably didn't write
the bill, but I was wondering if you could just give
us some perspective on some of the things that might
or might not be included in it, for example, fixed
route transit stops, does that include bus as well
as rail?

SEAN GHIO: I don't know what the intent of the
proposed bill is. I read that to mean fixed stations
as in, as I mentioned, rail stations, bus rapid
transit stations like CT Fastrack.

REP. ZAWISTOWSKI (61ST): I'm a little concerned
about the distance as well. I mean for example we've
had fast and train stations, Windsor Locks has a
train station at this point a half-mile, it's across
the river in another town and it's winter. Do you
feel that should be able to cover that type of
distance?

SEAN GHIO: That's an interesting questions. I think
that--I've thought about that, you know, zoning
regulations relate to the location of something, so
I don't know. I would leave that--perhaps will hear
from a land use attorney, but that is an interesting
question. That's certainly not the only station
area. I could think of some that would fall under
West Hartford and Hartford in New Park area.
REP. ZAWISTOWSKI (61ST): Thank you, and would you-- I mean currently the way the bill is written it is not actually restricted to any type of income level, so that you could actually have a transit station with development of very high end apartments there. I'm not sure is that actually furthers what I sense is the cause of this bill. I also have concerns about it supplanting commercial development, where as if somebody wants to purchase a piece of property to put in a Dunkin' Donuts or Starbucks or something that would be suitable near a transit station, I have some concerns about that. It may not be affordable to be able to do that.

My other concern is pretty much local control. I know you are not a proponent of the bill, but you are the first up. So, you got the lucky spot, but I just wanted to express a lot of the concerns I have about this. I get why it's being promoted, but I do think there are various flaws in it, and if you have any input to the proponent that would probably be helpful, but I do appreciate you coming in today. Thank you.

REP. MCCARTHY VAHEY (133RD): Thank you representative. Senator Cassano, hello.

SENATOR CASSANO (4TH): Hello. I caught up with the committee now. We all have three meetings going on at the same time, so we're still drifting. I'm interested in this because we've seen a good example of the success of transit with the Hartford to New Britain line, and a lot of that is possible because my ply at zoning, and they've had multifamily zones and so on. In some areas they don't exempt, and the reality is that as a state I hear often, as we look at potential economic development and future development, that the key to that is keeping those
who go to school here and those who grow up here, in Connecticut, and so, the chair mentioned earlier, you know, the apartment buildings. In order to keep people here they need places to live, and if it's close to transit, it is young people who will need apartment buildings and so on, places where they can be their starter so that they can stay here and work.

We talk about multifamily we look at the existing definition of multifamily, which tends to be, by definition for most people, poor family, older family, older family home, old neighborhoods and so on, but in fact if we're really going to make development, the transportation system is going to require multifamily growth in the way of apartments, condos, and so on, and the word multifamily sometimes might in fact hinder to moving forward in this area. We are not going to keep those people in Connecticut. We are not going to attract those people to Connecticut unless they have places to live, and apartments or to be more affordable than single-family housing in Connecticut. So, we have to be careful of these definitions.

REP. MCCARTHY VAHEY (133RD): Thank you Senator. Representative Kokoruda.

REP. KOKORUDA (101ST): Thank you, Madam Chairman. You know a lot of us in small towns are concerned about 430G, and I don't live in Milford, but I have family there, and to watch what that community went through. I have a nephew who is a teacher whose house value totally went down overnight, and it wasn't—so when I look at the bill and it says established as a right, I really want to know who's right that is. Because if it is a developer's right, if I'm near a, a mile and a half or whatever it is,
from a train station or bus depot, whose right is it, who is going to decide what type of building goes there?

I totally get what Senator Cassano says, especially when it comes to transit districts, we want to offer more things, but I worry what this right whole thing is going. Because what has happened to our communities, it is not the people's rights, it is the developer's rights that have changed things. So, I just want to know, what is different in this, this multifamily theme, that doesn't exist right now with all of the affordable housing action? Thank you.

SEAN GHIO: Well, I guess that's a big--there's a lot of answers to that question. I think--the part of it I will take is really trying to expand thinking around what affordable housing is. Most folks who live affordably in the state do not live in subsidized housing or do not receive a housing voucher. They live somewhere where they can afford the rent, or they can afford their mortgage payment, and the intent of multifamily housing, as Senator Cassano just said, is fundamentally can be more affordable, it is a more affordable option than single-family homes, and I think that's one point.

I think that you asked about was as of right, and as of right is a legal term. I'm guessing that some folks testifying after me will do a better job of answering it, but what I would say is that when, respectfully, that when we talk about as of right, right now local zoning really reflects the desires of predominately homeowners, but in fact everyone's community is much more diverse than that. So, I would say as of right, is not for the developers. As of right, as I said, is a legal term about planning a zoning process, but I would say I think what I am
asking is that zoning more equally address the true nature of our communities. We are not all homeowners, we are not all going to be homeowners, and we can be productive, useful people without owning a home.

REP. MCCARTHY VAHEY (133RD): Thank you. Are there other questions? Representative Gucker.

REP. GUCKER (138TH): Thank you, Madam Chair. I have some experience with affordable housing, you know, it is a great program. I think the way the statute is written now is that if a municipality falls under 10 percent of affordable housing they can come in with an affordable housing project. The problem that I have had with affordable housing, at least in Danbury, has been only 10 percent of the project is affordable. So, if a developer comes in and states that you are under the 10 percent threshold, so we are allowed to come into an area, all the zoning laws become null and void as far as setbacks or anything of that sort, then they build the affordable housing project and the 10 percent of the project is like a closet somewhere that they say here is your affordable spot. It winds up putting high density expensive units mixed in with a couple of affordable pieces. That would be my concern only that it sometimes takes away the ability of surrounding neighborhoods that would be affected by this for the good or bad to really have a voice in what is being built.

Technically, if you build an affordable housing project or come in as affordable housing, you could go into a residential neighborhood, tear down half the neighborhood, and put up affordable housing high density project, which doesn't fit the nature of the neighborhood. Would this expand? Would this
contract? Would this give more say to the zoning or to the people? I mean, my fear is that you would wind up taking away the rights of the people that live there who know what the community is, the neighborhood is. Again, I think we need more affordable housing, but sometimes the developer with these big high density projects, it is more about profit than it is about affordable housing. Would this fall into that category?

SEAN GHIO: I would like to ask that we try to decouple the conversation between affordable housing and multifamily housing. As I said, nearly all of multifamily housing is not affordable in the sense as restricted. It may be affordable in the sense that you can afford to live there and many of it is not. I know that there is a lot of new really beautiful apartments in Fairfield County that are not affordable to most of us, and that really--I think to get back to one of your questions earlier about, that this really promotes luxury housing, and I'd like to say that this is a zoning bill, and it really is talking about the underlying use of the land. Affordability, of course, is a major concern of mine, but I think fundamentally if towns would open more of their land up, residential land up, to uses that are beyond just single-family homes, they would fundamentally be healthier communities.

REP. MCCARTHY VAHEY (133RD): Thank you.

Representative Delnicki.

REP. DELNICKI (14TH): Thank you, Madam Chair. Communities typically go through every 10 years Plan of Conservation and Development for their community, and typically they look at the infrastructure that is available there, and they work around that. You have sewers, you have water, and you can do certain
things. You have other areas that you can have a bus that and you have virtually no infrastructure there that would support the right of multifamily housing. So, how would you address that? When you come to the Plan Of Conservation And Development and what a community goes through to try to tailor things to work with the infrastructure that they have there.

SEAN GHIO: Again, not having the bill to really language the response to, I will make some assumptions, and one of those is that, which is what happens now, if the underlying infrastructure can't support our use, then it cannot be built. Of course there is a lot of gray area and that, and I know that you will probably hear testimony from people, developers perhaps, that can better answer your question, but if underlying zoning permits the use that in parts of that district cannot be supported, then really it is not going to happen. This is actually--the reverse of this of course is a common complaint about some areas that there isn't underlying infrastructure to support a variety of housing types, that the intensity of a small apartment can't be supported by the underlying infrastructure perhaps sewer would be the best example.

REP. DELNICKI (14TH): Conversely, if it's a right of zoning, could a community be compelled to provide the infrastructure if it's a right to support that kind of development?

SEAN GHIO: Again, not having any language, I don't think that's the intent of the law. Again hopefully we will hear what as of right means from a planner, from a legal perspective in land use law, but it is a permitted use, and it's a use that hopefully will result in less of a regulatory burden and review,
but that does not mean that—I don't see how a town can be compelled to put infrastructure in when something is a permitted use. Just like if there is a subdivision in a single-family district, it has to be approved. It still may be a permitted use, a single-family subdivision.

REP. DELNICKI (14TH): And lastly, farmland preservation is a big thing. You know, family farming is an endangered species, for lack of a better way of putting it, and I'm just thinking in the communities around where I live, if you were to draw half-mile circles around where you basically—and this would include bus stops right?

SEAN GHIO: My assumption is that when they use the term fixed, I assumed that meant the T fast-track and rail stations, but again the bill is not drafted, so—

REP. DELNICKI (14TH): Well, if it were to include bus stops and you started drawing half-mile circles, many communities are trying to preserve farm land and preserve farming and nurture it because, quite frankly, local food is the best food you're gonna buy, plain and simple. Grown here in Connecticut, virtually no transportation, and it's fresh, and if you have that, would that encourage developers to start taking a look at some of that farmland that currently is basically zoned for farming and say hey, you know I could put in whatever, high luxury apartments, whatever, they can actually take that and basically override the local zoning. Is that possible?

SEAN GHIO: Again, I don't think that's the intent of this, but what I would say is that the development pressures that we have seen on farms in
Connecticut and I know in other areas of New England and maybe across the country, are really due to single-family developments and underlying zoning allowing single-family development. It is an issue, and there are some existing tools, including transit development rights that proactive towns used to work with their local farmers to really conserve that land as agricultural, but again I don't think that's the intent of the bill, and I think you drew up half-mile circles around the pics stations that I think are the intent of the bill, there would be very little agricultural land in those areas.

REP. DELNICKI (14TH): Well, it certainly poses a lot to think about. I am going to be perfectly candid because interpreting it could go in multiple areas and direction, and I know in my community we spent a lot of effort and energy to try to preserve farmland and preserve farming and to proudly have locally grown produce, and I just ask--rhetorically I asked that something like this put that in danger? Thank you for your testimony, and as somebody pointed out being the first up on a piece of legislation puts you in the hot seat. Thank you for your testimony. Thank you, Madam Chair.

REP. MCCARTHY VAHEY (133RD): Thank you representative Delnicki. Senator Cassano.

SENATOR CASSANO (4TH): Thank you, Madam Chair. I just want to comment, I think Representative Delnicki is hitting on a potential point that could be harmful down the way if it's not clarified. I go to your town to pick strawberries and I know what it's like, and there are bus stops everywhere. I don't think it is the intention of this bill, but for clarification purposes to prevent somebody in the future from trying to use it in a negative way,
we should clarify that through committee, and I think that needs to be done for this bill to have life.

REP. MCCARTHY VAHEY (133RD): Thank you Senator. Mr. Ghio thank you for your testimony. I would note that your testimony is not appearing online at this point, so you might want to check in with the clerk and make sure that he is in possession of your testimony. Thank you, and before we move on, I just would like to remind members of the public that we do have a three minute time limit and we will be asking folks to sum up at the end of those three minutes, and with that, we are going to alternate between our list of officials and members of the public, so next up is Representative Frey. Good afternoon and welcome.

REP. FREY (111TH): Thank you very much. Thank you, Madam Chairman and ranking members and members of the committee for raising this concept. Bill 6939 before you, it is very vague, and it's one sentence line, and I wanted to go into a little bit further background on this. It came to me from a constituent in Richfield who picked up the paper in Great Barrington Massachusetts. So, Massachusetts has a Massachusetts Cultural Council, in Connecticut this would fall under DCD I believe, but they have these cultural districts which are basically three to four to five blocks within a community and more than one per community. For instance, Boston has four, others include Plymouth, Springfield has one, Shelbourne Falls, North Adams, Williamstown, New Haven, there's about 47 in Massachusetts right now. The evidence is pretty clear, a thriving creative sector is one of our states most powerful economic development assets.
In Richfield, we have within three to four blocks, we have museum in the streets, we have the Keeler Tavern, which is an historic over 200-year-old building with a cannonball from battle Richfield embedded on the side, and yet two doors away we have the Aldrich Museum, which is a contemporary art museum. We have the Lounsbury House, which is the former home of a governor, which is still open to the public, Ridgefield Playhouse, Equity theaters, all within walking distance. So, the idea behind this bill is to create these cultural centers or districts, and I can see this is applying to, you know, Old Saybrook of Mystic, Stanford, Iverton [phonetic], Hartford really many of our communities in the state that would be administered by the DECB and really driving tourism into our areas.

In a town like Richfield it is very difficult, you know, to get a large corporate tenant in place, but we are culturally and historically rich as are many other communities in the state, and this is just a way to bring that more to the forefront and create some synergy. We already support through state dollars these organizations--this bill doesn't have any fiscal amount other than some small administrative and staffing that would be required within existing staff level.

REP. MCCARTHY VAHEY (133RD): Thank you Representative. Questions from members of the committee? Representatives Zawistowski.

REP. ZAWISTOWSKI (61ST): Thank you, Madam Chair. Thank you for coming in and also for proposing this idea. Is it your feeling on this bill to include a lot more disciplines than just art and culture, say for example if you have a strong agricultural community or an historical asset, are you looking at
a very wide range to be able to participate in something like this?

REP. FREY (111TH): Yes, in Massachusetts it's pretty much, the language here is the district shall attract artist and cultural enterprises through community, encourage business and job development, establish tourist destinations, preserve in reuse historic buildings, enhance property values, and foster local cultural development, and certainly agriculture could fall into that. In the language of Massachusetts, which I will included my testimony, it's just one page, was approved in 2010. The theme with this is that it is walkable, that does not necessarily need to be the case in Connecticut, but basically it is limited to three to four to five blocks where an agricultural district may be a distance from say downtown or other attractions.

REP. ZAWISTOWSKI (61ST): Or even setting up a farmers market is something--

REP. FREY (111TH): Absolutely, that would be perfect. That would definitely fall into plan with this.

REP. ZAWISTOWSKI (61ST): Thank you very much. Thank you, Madam Chair.

REP. MCCARTHY VAHEY (133RD): Thank you representative. Are there questions from members of the committee? Representative Baker.

REP. BAKER (124TH): Thank you for coming out here and sharing your concerns in regards to a cultural district. I think it's a great idea in terms of listening to some of the cities, larger cities, where they have the different historical preservation and buildings and areas. So, question,
who actually wrote the, is responsible for establishing these districts in the particular towns and are you looking to have the tourism commission set some guidelines in terms of overall for the state if particular cities want to establish this?

REP. FREY (111TH): Certainly, if you choose to advance this bill, you know, the language would be a little more strengthened than just the one sentence, as the actual concept that has been put before you today, and like I say, I will give you the language that Massachusetts adopted in 2010. I think it would fall under the ECD, which our tourism commission was merged into several years ago, and they deal with the arts as well. It's the actual communities themselves that make the applications to the state. Now in Massachusetts they just have a revolving deadline so communities can submit their applications to have their cultural district designated at any time, but I can see in Hartford, you know, the Bushnell Park, the carousel, the capitol building, all within a walking distance. You have the Mark Twain house in the Harriet Beecher Stowe home very close together and other parts downtown. New Haven and the Shubert Theatres is rich in culture, on of Yale University. So, I mean so I mean this isn't just the urban suburban, I mean this really crosses the board. I think it could appeal to many of our 169 communities.

REP. BAKER (124TH): So, what's stopping particular municipalities from just creating those districts on their own ended just saying you know do we want to allow cultural--so for instance if they had like an old government building or building they want to establish some sort of art gallery or just, you know, working with different entities in that area
for saying, we're going to establish this area, what's stopping them from doing that?

REP. FREY (111TH): Good question. Really nothing. I mean in Richmond we've essentially done that, but what Massachusetts has done is they put this on their state website, and so what they find is that people are trying to go from each community to community to participate in experience in all the 47 communities and districts that have been identified in Massachusetts. So, I think there'd be some synergy that we could use and marketing these collectively, which right now it is every town on their own.

REP. BAKER (124TH): Thank you.

REP. MCCARTHY VAHEY (133RD): Thank you representative. Further questions from the committee? Thank you Representative Frey for bringing this concept forward. We certainly are estate that as we say is still revolutionary and has a lot to offer, and so thank you for this concept.

REP. FREY (111TH): Thank you.

REP. MCCARTHY VAHEY (133RD): Next up, we are again alternating, at this point we have Jim Perras from the Connecticut Homebuilders followed by—nope depends on which official will be back, so we will stick with Mr. Perras for now, welcome.

JIM PERRAS: Chairman Cassano, Chairman McCarthy Vahey, Ranking Member Zawistowski, and distinguish members of the Planning and Development Committee, my name is Jim Perras, and I'm the new CEO of the Homebuilders And Remodelers Association Of Connecticut. You have my testimony before you so I
will summarize and make myself available for questions.

Thank you for the opportunity to testify in opposition to House Bill 6756, AN ACT CONCERNING OPEN SPACE CONSERVATION IN CLUSTER DEVELOPMENT. A cluster development is a zoning concept that was created to help guide sensible development around wet lines or other sensitive areas while preserving open space to the benefit of the entire community. This bill would reduce lot size or lot yields in cluster developments by restricting the use of wetlands when developers calculate their open space requirements for open space preservation. As a result, developers will find many properties that were previously suitable for cluster development to be financially undoable even with modest bonuses provided by the town.

Ultimately, the same parcels that were previously suitable for cluster development will be developed by traditional methods. So developers will be compelled to build under normal zoning standards, which would arguably be more detrimental to the environmentally sensitive areas with no real emphasis on open space conservation. Not only would this bill, if enacted, have the opposite effect of potentially harming the environment, it would also take away an affordable option to achieve home ownership. Given the smaller lot sizes and less costly infrastructure that typically comes with cluster developments, these are usually less expensive than homes built in regularly zoned areas.

This will only serve to further compound Connecticut's fair and affordable housing problems. Each town writes its own zoning regulations, including the provisions for cluster development,
which is typically under a special permit. If the town wants to be more restrictive, they have that authority. We ask that you please leave the authority for cluster regulations and requirements with the municipalities and zoning boards, leaving them all the tools they currently have to guide responsible development.

Since I do have a minute, I would also like to state that the Home Rebuilders and Remodelers Association supports the intention of House Bill 5273, AN ACT CONCERNING AS OF RIGHT MULTIFAMILY ZONE and the intention of House Bill 6562, AN ACT REQUIRING MUNICIPAL PLANS OF CONSERVATION AND DEVELOPMENT TO INCLUDE CERTAIN PROVISIONS. As we believe both bills to be a step in the right direction that comes with affordable housing, however, we also know that counts that do not want affordable housing has many ways to dissuade a developer from starting an affordable housing project within their borders.

Ultimately, we strongly believe that it will not be until the town is properly incentivized with the carrot rather than a stick to work collaboratively with developers to find solutions to streamline projects, will we make real inroads when it comes to fair and affordable housing. Thank you.

REP. MCCARTHY VAHEY (133RD): Thank you Mr. Perras. Very well done. You are a very well done. I'm impressed. So questions from members of the committee? Representative Gucker.

REP. GUCKER (138TH): Thank you, Madam Chair. Thank you for coming on testifying. Since this is my bill I have some interest in cluster development as we have had it be a situation in my city. I'm also a builder and remodeler, I used to do that for living
and I understand the concepts behind it. The idea of cluster development when it is used in an altruistic way absolutely is great for preserving open space, but when it comes to wetlandish areas far too often the areas are purchased using the wetlands as to be the open space product you really can't develop the wetlands anyway. You know, whether you want to encroach on the wetlands or do mediations of wetlands you usually have to have the one to one replacement, so it does not go away. It's kind of like that theory of matter is neither created or destroyed, but what my experience has been with many of the cluster developments that have come into Dan Barry and gone into these environmentally sensitive areas is when you allow for the four formulation of acreage, not taking into account for the wetlands, you wind up over developing the upland areas, which then negatively impacts the lower areas. In our community we have areas with the wetlands problems as far as rapid flooding.

I am not against development, but these things have concerns and the more that we over develop the uplands, adding more impervious surfaces, adding more storm water runoff into a wetland that is ultimately designed to be kind of a buffer or an expansion joint of a watercourse to slow down flooding and potential problems, this has become an negative effect, that being the intent of this legislation. How would the Builders Association be able to say, well we are preserving open space when it actually the wetlands you are preserving well over developing the uplands?

JIM PERRAS: Good question. Thank you representative. I will try my best to answer and if I don't answer as clearly and concisely as you would
like, we do have a developer with us here today, Tony Canarpia [phonetic], who has been doing these type of projects since the 1980s, and really would be, what I would consider, your expert testify or on this matter. To briefly answer your question as far as I understand each municipality that has within its regulations cluster development options provide these options by special permit, and I believe that each municipality is unique in the method by which -- for the formula by which it identifies areas to be preserved or allocated to the open space preservation component of the cluster.

For example, I think some towns take into account sloppage, others don't, some take into account other matters, and so I think that each town will, based on its formula, determine -- let's keep in mind too it's a special permit, and if the town believes of builder is not following the intent of what it defines as cluster development, the special permit won't be given. So, I think, once again I guess I go back to what I said previously, that a town has the ability to that these cluster developments and determine what ought to be preserved in what ought not to be.

Certainly, I know it does not answer your question, but you know outside of a cluster development, if we were to just zoned by traditional method, these would be larger lots with carved up wetlands within each lot without a real -- I mean certainly there will be setbacks of the property, but at least in a cluster development you are maintaining those wetlands as one continuous piece of property that is to be preserved into perpetuity.

REP. GUCKER (138TH): If I could follow up?
REP. MCCARTHY VAHEY (133RD): Yes, thank you Representative.

REP. GUCKER (138TH): So, I understand what you are saying, in fact I used to do a lot of those drawings and those engineering plans. The thinking on this is that, again I do not see a problem with cluster development, it is when it becomes that it over develops a plan areas, and I understand the idea of carving up the wetlands so that each lot gets it, but that would be assuming that you have a long strip, and each parcel is different. I guess what I'm getting too, and if you have ever had to deal with a land-use attorney who is determined to get a project through, 9 times out of 10 the municipality kind of folds under, well the state statute says this. State overarchingly will step in more on this than the local municipalities.

A lot of, you know, cities such as myself and Danbury and others are wanting to not get into a battle, not wanting to get into legal litigation, and sometimes it goes for or four against, so I mean the genesis of the idea of this is really to put it on an even playing field. I respect the idea that each municipality has the right to restrict or not restrict, but again it is really tough to say to somebody, especially if you have open space advocates as far as what land trust or things like that, by the way, here you go, get yourself a boat we have swamp land that we're saving as opposed to you had a true cluster development that was pristine land to begin with you would have more usable space.

Not saying that wetlands are not usable, they serve a very important structure and balancing our water, but with that being said far too often, again, it
just really impacts negatively. I appreciate your testimony on this issue.

JIM PERRAS: Thank you Representative.

REP. MCCARTHY VAHEY (133RD): Thank you Representative. Representative Michel.

REP. MICHEL (146TH): Thank you Chairman. Thank you for your testifying today. I don't want to put too many comments in here, because we have a long public hearing, but Connecticut in general statutes, just to stressed the importance of wetlands, and I think cluster developments close to wetlands impact also the wetlands, and so this is from our Connecticut General Statute 22A–28, preservation of title wetlands policy. I will read the very briefly—care that much of the wetlands and the state have been lost or spoiled by unregulated dredging, dumping, filling, and like activities and that the remaining wetlands of the states are all in jeopardy of being lost or spoiled by these and other activities. Such loss will adversely affect or entirely eliminate the value of such wetlands as a source of nutrients to fin fish, crustacean, and shellfish. Such loss of this foliation will destroy such wetlands as habitats for plants and animals of significant value and will eliminate, or more substantially reduce, marine comers, recreation and aesthetic enjoyment. I know we're not talking about destroying the wetlands, but this just describes the importance of the wetlands. If you have anything to comment on this, thank you.

JIM PERRAS. Sure, and thank you for your question representative. I like to start off by saying that regardless of whether it's cluster development or a traditionally zone development there are always
setbacks to wetlands. So the housing industry, the residential construction industry is probably one of the most regulated industries in our state, and certainly there will always be conservation measures and the zoning processes, and there are always going to be requirements. I think it is also worth noting to follow up with what Representative Gucker had said. You know, quite often when we talk about wetlands it could be a piece of terrain that might only be wet for a week or two and be classified as wetlands, and quite often it is an incredibly usable property for recreation or other activities, but with that being said, I think when we're talking about wetlands most of the wetlands we're talking about aren't title lands or lands that you might find fish and other aquatic life other than a salamander or frog or two.

REP. MCCARTHY VAHEY (133RD): Thank you.

REP. MICHEL (146TH): Thank you, Madam Chair.

REP. MCCARTHY VAHEY (133RD): Any other questions from members of the committee? Senator Champagne.

SENATOR CHAMPAGNE (35TH): I just want to expand on the uplands there. You have to go through quite a few boards when you go for applications for any type of housing, correct?

JIM PERRAS: That is correct.

SENATOR CHAMPAGNE (35TH): And, you know, working in local government I know what you have to go through, and we're going to work very strenuously to protect those uplands. In fact, couple of the developments that came in recently to one of my towns did just that. They actually shrunk the size of it because it
was affecting the uplands. Have you seen that on multiple occasions?

JIM PERRAS: I'll be perfectly frank with you Senator, I've been on this job for about eight months now, so have I personally seen it, no, but certainly I'm sure that is the case.

SENATOR CHAMPAGNE (35TH): Okay, so I'll be the expert on that then, sort of, but, you know, as far as uplands go, I mean that's already covered, and when you look at the open space already provided in this cluster development, I think it's pretty much covered, and using the wetlands, protecting the wetlands, protecting the uplands, protecting the environment, it's all taking care of when you go through zoning and the rest of the commissions, so I guess that'll be my only question for you. Thank you.

REP. MCCARTHY VAHEY (133RD): Thank you Senator. Any other questions from members of the committee? Mr. Perras, thank you for being here today.

JIM PERRAS: Thank you very much.

REP. MCCARTHY VAHEY (133RD): Next up we have--I don't see her, Councilman Devivo, is he still here? I think are other officials will wait for him to come back, so the next on the list is Kathy Flaherty from Connecticut Legal Rights. Good afternoon and welcome.

KATHY FLAHERTY: Good afternoon, thank you. Senator Cassano, Representative McCarthy Vahey, and distinguish members of the Planning And Development Committee, my name is Kathy Flaherty. I am the executive director of Connecticut Legal Rights Project. We are a legal aid organization that
represents low income people to protect their legal rights.

I am here to testify regarding proposed bill 6352. My testimony is online, but there is another Flaherty who was listed earlier, so if you look it up by bill number you will find it. I'm opposed to the bill as written. I have some understanding of why the existing statute is as it is, and if people have questions I'm happy to answer that, but the bottom line with this proposed bill is to clarify the citing restriction that's placed on community, residences, and childcare residential facilities.

The bottom line is state and federal fair housing Law says that you can't put restrictions on those kind of housing that is any different from the restrictions that a municipality places on single-family homes. Connecticut has 169 cities and towns, I did not take the time to look at the 169 towns planning and zoning regulations, but the bottom line is, is if the municipalities does not put a citing requirement of single family homes in the municipality, you can't put that kind of restriction as exist in 8-3F. So, I would urge this committee, if you're moving forward on this bill, is simply repeal section 8-3F.

REP. MCCARTHY VAHEY (133RD): Thank you Ms. Flaherty. Are there questions from members of the committee? I just want to clarify, 8-3F to be repealed?

KATHY FLAHERTY: 8-3f to be repealed.

REP. MCCARTHY VAHEY (133RD): All right, well thank you very much. We are grateful for your brevity. Right to the point.
KATHY FLAHERTY: Thank you.

REP. MCCARTHY VAHEY (133RD): And next up, I do not see any of the other officials here quite yet, so we have Donna. I'm sorry--there he is, Representative Petit. You would be next then. Welcome, I'm sorry, I didn't see you back there. Thanks for the heads up.

REP. PETIT (22ND): Thank you, Madam Chair and cochairs, distinguish members of the committee. I am William Pettit from the 22nd district representing Plainville and the west and of New Britain, which includes CCARC, and I'm going to secede my time to Ms. Anne Ruwet who is the CEO of that marvelous organization that cares for many of our folks.

ANNE RUWET: Thank you for the opportunity to testify, and I appreciate the testimony that was just before me, the intent, and I think Representative Petit for introducing this and the committee bringing up for public hearing. This is House Bill 6352. The intent of the bill, I will try to keep it within my three minutes, is very simple. The intent is to really define 1000 feet, which is the original statute that was put in place way back in 1983 as they were de-institutionalizing with disabilities coming out of Mansfield Training School. I think the intent was to try to not have a saturation in communities of the development of homes.

All that I am trying to do now in 2019 is to defined 1000 feet. As an agency that developed group homes with in the community, and our first home was developed in 1983, it was, you know, we're good neighbors, we are in the community, and certainly have a lot of support from our existing communities, but when I go to develop a new home we have to go
1000 feet by portal to portal or I property line to property line or, as many have defined it, by the way the crow flies. So I think it would help the Department of Developmental Services, as well as the Department of Children And Family, if in fact we were defining 1000 feet by public access, which is really the way people drive their cars. So that's the only intent I had in bringing forth this legislation to define that 1000 feet. I'm really welcome to any questions that you might have.

REP. MCCARTHY VAHEY (133RD): Thank you so much. Members of the committee, does anyone have questions for the witness today? I do have one, so just to clarify, it's not your intent to place additional restrictions, you're seeking clarification under the law, is that correct?

ANNE RUWET: That's correct.

REP. MCCARTHY VAHEY (133RD): Representative Petit.

REP. PETIT (22ND): If I may, the situation came up that and didn't speak about is that you have two properties that perhaps are on a curve where the back property line is closer than 1000 feet, but it's a wooded area and there's really no major public access there, they're not allowed to build there even though the main places that people would see them from the road or when they're walking or enter them is more than 1000 feet. So, it's trying to have a common-sense approach to allow some of these facilities to be in reasonable locations.

ANNE RUWET: If I may mention, these are all licensed homes by the Department of Developmental Services and DCF, so we're under a great deal of scrutiny and regulations. Our intent as a private nonprofit agency that has been around since the 1950s with in
the center Connecticut community, primarily New Britain, our intent is to just be good neighbors. Particularly in urban areas when you look at 1000 feet, it is quite a distance from another group home, but if we can go the way the crow flies, we could be adjacent to another group home that is really 773 feet. I've been doing this for 24 years as a CEO of CPRAC, so this is the first time that I testified on this bill. With always been in compliance with any of our developments, and respectful of the original statute and its intent.

REP. MCCARTHY VAHEY (133RD): Thank you for taking the time to come up and to clarify that for all of us, and will look to see if we can't clarify that and make sure that we are not in turn placing any kind of additional restrictions that would be illegal or unnecessary so thank you so much for your time today. Next we have, as we're alternating, Donna Hamzy Caridoccia followed by Senator Fasano. Welcome.

DONNA HAMZY CARIDOCCIA: Thank you representative McCarthy Vahey. My name is Donna Hamzy and I'm the advocacy manager for the Connecticut conference of municipalities. I should say Donna Hamzy Caridoccia, I'm not used to my full name quite yet. I want to thank you all for the opportunity to comment on House Bill 5273, AN ACT CONCERNING AS OF RIGHT MULTIFAMILY HOUSING ZONES. CCM, not surprisingly, opposes House Bill 5273, and we oppose the bill simply because it seeks to usurp local zoning authority.

We believe that the local zoning authority is the first place where zoning decisions are made, and members of the public and residents within the community have an opportunity for input. This
removes any local approval process except for normal sites and review with no provisions that these housing units meet the affordability needs of the community, and preventing communities from setting density requirements.

We also fill that the plans of conservation and development that towns are required to put together every 10 years also specify within those plans require that municipalities identify the areas where it's achievable, that trans prudent transit, accessible pedestrian oriented mix use development patterns and the land reuse is considered and promoted, so we believe there is already a process for which municipalities can fully vet whether or not these types of multifamily zones are allowable within our community or supported.

In addition to that, last year the General assembly required towns to put forward affordable housing plans every five years, and within those plans presumably multifamily housing would also be considered. So we believe there is already a process by which municipalities have to vet and consider this type of zoning, and don't believe that this mandate as a requirement is the best way to do that.

I have submitted my testimony for the record, so I will stop there you have any questions.

REP. MCCARTHY VAHEY (133RD): Wonderful, thank you, and Donna my apologies for--proper pronunciation. Are there questions from members of the committee? Representatives Zawistowski.

REP. ZAWISTOWSKI (61ST): Thank Madam chair. Thank you for coming in Donna. I covered a lot of material with my concerns that I had with it with the previous person in for testimony, but I just want to
thank you. I did take a look at your testimony that currently posted online, and I appreciate the completeness and everything. Thank you for coming in. Thank you, Madam Chair.

REP. MCCARTHY VAHEY (133RD): Thank you representative. Senator Bradley.

SENATOR BRADLEY (23RD): If I may. Thank you very much. So, a lot of the things I hear when it comes to zoning regulations is that there's really no baseline. If you go to any small-town in Connecticut or big-city in Connecticut, and you can run into a department head will give you their interpretation of what the zoning rules are in that particular city or town, and it frustrates a lot of developers. I hear--and a lot of people are bringing in green energy and things of that nature. What would you say to somebody who says that it would be nice to have some sort of sense of a general rule, a guideline, as to how zoning would be interpreted?

DONNA HAMZY CARIDOCIA: Thank you for that question Senator Bradley. CCM generally will take the position that, you know, one size fits all policy does not work in Connecticut and for the exact reason you mention, towns are different, they are set up differently, and some towns have capacity for multifamily housing, some don't. So that's why really the decisions are made at the local level, you know, with guidance from the state. Obviously in sections, I believe it's 8-2 if I'm remembering the statues correctly, you know, with guidance from the state with how to manage their zoning, but it really is incumbent upon those planning and zoning commission to make those decisions that work best for their community and also an opportunity for members within that community, who may not sit on
those certain boards or commissions, to provide input on development within their community.

SENATOR BRADLEY (23RD): Let me have a follow up. With specific new energy, green technology, solar panels, do you think it would help that industry, or have you heard arguments that it would help that industry to have some sort of normalization in terms of what is allowed and what is permissible are not?

DONNA HAMZY CARIDOCCIA: No, in all honesty, I haven't heard that in terms of zoning. I have heard that in terms of assessment on different properties, particularly solar to your point into your example, but I haven't heard that in terms of, you know, uniformity amongst planning and zoning commissions. I know that--I have heard that some developers that it may be difficult in some communities versus others, but not necessarily that there should be a uniform code so to speak.

REP. MCCARTHY VAHEY (133RD): Thank you Senator. Further questions from members of the committee? Thank you so much for your testimony today.

DONNA HAMZY CARIDOCCIA: Thank you so much. Have a great day.

REP. MCCARTHY VAHEY (133RD): Senator Fasano, welcome.

SENATOR FASANO (34TH): Good afternoon. Thank you, Madam chair. Senator, good see you. Ranking members, members of the committee. First of all let me say P&D is that the best committee in the building. I served on it for years. I think you guys do a lot of good work and I miss it, and I was trying to get on it, and I couldn't even get on it and I couldn't
believe I couldn't get on it so that shows you how many people want to be on the committee.

At any rate, I'm here to talk about the Senate bill with respect to 140, the circuit breaker relief one. Let me just sort of give you some history. If you are an elderly person in the town and you have a piece of property we give you the exemptions if the town is so inclined to do that, but when some people transfer their house into a trust, OPM used to take the position that you could take the deduction as long as the elderly person lived in the house, then the import of what we wanted to do was to have them benefit from the elderly tax break, and I think there came some gray area whether or not a trust would be able to take the benefit of the exemption. Some town said yes, some towns said no, those towns that said no place some of the elderly folks back up, obviously they didn't get the circuit breaker. Whether or not you continue with the circuit breaker, because I know that at least one legislator has put in to allow the circuit breakers to be removed, it is certainly your decision as a planning and development as a recommendation to the legislature.

If you decide to keep the circuit breaker, I would suggest you look at this issue with respect to the trust because estate planning, even if it is a revocable trust, they moved their property into a trust for a variety of estate planning reasons, but they lose their exemptions, and that has all sorts of financial implications, to say well then don't do the trust because of the exemption on the taxes. So there is ambiguity, our job as legislators is to fix ambiguity, at least let's do it consciously. So I bring this bill to your attention. I think we should
have an affidavit that accompanies the exemption, what is in a trust every assessment year to say--like we do for farmland, to say that the elderly people still live in the house, so they can keep the exemption going. Something like that would be a reasonable way of making sure that, you know, if somebody moves out we're not playing a game, which is definite fear, so that is what I put forward to the body.

REP. MCCARTHY VAHEY (133RD): Thank you Senator Fasano and it's great to have you here and you're welcome anytime.

SENATOR FASANO (34TH): I may drop by from time to time. I do like this committee.

REP. MCCARTHY VAHEY (133RD): I'm sure, that's great. Questions from members of the committee? Representatives Zawistowski.

REP. ZAWISTOWSKI (61ST): Thank you, Madam Chair. Thank you for coming in. It's an interesting thought about the circuit breaker program. It is something that I was not familiar with, this being a problem. Question for you, do you know how life estates are handled under circuit breaker by any chance?

SENATOR FASANO (34TH): Yes, I think if you have a life estate my understanding is you get the circuit breaker.

REP. ZAWISTOWSKI (61ST): Okay, thank you very much. Thank you, Madam Chair.

REP. MCCARTHY VAHEY (133RD): Thank you representative. Representative Kokoruda.

REP. KOKORUDA (101ST): Thank you, Madam Chair. Senator good to see you. Are you aware of at all,
because a lot of towns, most towns, have other senior tax relief programs and I know I have one, I have several my town, one of them mirrors quite a bit the state program, but it is funded, and we do include people in the program that have set up a trust. So, would you be aware of how many towns or how towns are really approaching it on the way that you are proposing we approach the state program?

SENATOR FASANO (34TH): I do not know how many towns. I do know that OPM, and I'll contact them and get this to you, I do know that OPM has some sort of list of towns that their issue is in. I'd be happy to get that over to the committee.

REP. MCCARTHY VAHEY (133RD): Thank you Representative Kokoruda, and I appreciate the question because I was going to ask one similar. Are there further questions from members of the committee? With that, thank you so much Senator Fasano.

SENATOR FASANO (34TH): Thank you for the courtesy. I know they are running behind, and I appreciate it. Thank you so much.

REP. MCCARTHY VAHEY (133RD): Have a great day. Thank you. Next on the list as we rotate as, well actually Erin Boggs from Open Communities Alliance. Welcome.

ERIN BOGGS: Thank you and good afternoon. Thank you to the leadership and members of the planning and development committee for this opportunity to testify. My name is Erin Boggs, and I am the executive director of open communities alliance, a civil rights organization that promote equitable access to affordable housing across the state. As a means to addressing the fact that Connecticut is one
of the most segregated states in the country, and I'm here today to support proposed bill 5273, AN ACT CONCERNING AS OF RIGHT MULTIFAMILY HOUSING ZONES, understanding that it is really just the proposal and principal right now because language is not provided.

The segregation in our state is of course a legacy of history to of very large extent, and we need to think hard about how various mechanisms and policies and up perpetuating that even today and has contributed to the affordable housing crisis that our state faces. Zoning is a big part of this problem. We actually have 25 towns in the state that don't allow multifamily housing at all despite the fact that the zoning enabling act, which is the tool by which the state delegates to the town the ability to do zoning at all. It encourages opportunities for multifamily dwellings, it requires that towns encourage opportunities for multifamily dwellings and promote economic diversity in housing, including housing for both low and moderate income households.

Multifamily transit zones would advance, if done right, and there are all kinds of details to work out, but if done right, they can advance both our aspiration for a more inclusive communities and our commitment to sustainable development. It can be a very smart proposal that will allow innovated economic growth for the state. Many details need to be developed to make this a reality, but one particular aspect that policymakers should be considering is affordability, which is not rolled into this right now, it has many of the fixed transit stops in the state, these are train stations and the fast-track by my interpretation, are located in Fairfield County, towns with hot housing markets,
we would recommend that some form of inclusionary zoning also accompany multifamily transit zones and what we call higher opportunity areas, or writing towns with low amount of affordable housing.

We look forward to contributing further thoughts to this as the concept develops, and I am happy to take any questions.

REP. MCCARTHY VAHEY (133RD): Thank you so much Ms. Boggs. Are there questions from members of the committee for Ms. Boggs? I have a couple, one is, I think you set this, but just to clarify, a leader in the conversation around this bill we heard about bus stops and we talked a little bit about that, and I'm hearing you say that you would advance conversation on this, it would really be more around the train station or the rapid transit stops, is that correct?

ERIN BOGGS: That's as I understand it. I think it's worth a continue conversation, but obviously bus stops can be moved, and so it would be, you know, sort of challenging I think to develop a definition of a more fixed bus stop. I mean I guess you could look at history, you could look at the layout of the town, and maybe there is something that is very central and everybody can feel comfortable that that is relatively fixed, but for sure the train stations are fixed almost for certain, and I think the best ways can go anywhere, so I would definitely include those.

REP. MCCARTHY VAHEY (133RD): Thank you for that. I would also point out that I appreciate the visuals in your testimony as well. I think those are powerful visuals images for us as well. Representative Tucker.
REP. GUCKER (138TH): Thank you, Madam Chair, real quick. So, wouldn't some of these clusters, I don't want to say cluster, but high density developments then also as part of their plan would include a bus stop? I know in our areas when they do something like that, they do plan for a bus stop in the area as well.

ERIN BOGGS: Yeah, I think they absolutely should, and maybe that can be, you know, you can do the reverse right. You can have a plan for development and then ensure that there's transit available there, right, so I think that is something different going forward.

REP. GUCKER (138TH): Thank you, Madam Chair.

REP. MCCARTHY VAHEY (133RD): Thank you representative. Further questions from members of the committee? Thank you so much for being here today and for your testimony.

ERIN BOGGS: Thank you.

REP. MCCARTHY VAHEY (133RD): Next up is we have Representative Hall followed by Pam Devivo.

REP. HALL (59TH): Good afternoon, Madam chair, ranking members, and members of The Planning And Development Committee. I'm here today to testify on House Bill 5889. This is a bill that proposes our large foot print solar development that we are investing in across the state goal before our local Planning and Zoning Commission. The reason I think this is such a huge important bill is because we task our town and our city with putting together a plan of conservation and development every 10 years. In footprints and plans that these towns put hours and hours of public hearings into listening to our
residents testify on how they want to see our towns and cities developed, we as a state don't comply with these blueprints or the same requirements that all of our other developers are tasked with complying with.

So, if I'm a homeowner in my town I have to go before my local planning and zoning commission to get approval on any sort of building or developmental addition to my home, even as far as solar panels on my roof, I have to go before a planning and development commission to get approval; the difference is these huge big utility solar farms, they don't. So, I understand these great projects we are all 100 percent behind and supporting, we obviously have a very small carbon footprint from estate standpoint, and we are working very hard to accomplish those tasks, however if you look at some of these projects that have been put into residential neighborhoods, you get these enormous pushback's from the abutters.

So, for example, and I can use my town as a perfect example because we had one of these projects come up recently, and I want to say I was totally impressed by the Council, and the amount of knowledge in that group that actually oversees these projects, but the problem is that these projects are put forth and they're putting them in neighborhoods that people, who purchased in those neighborhoods, think that they are buying next to a residential development. So, if I go into a neighborhood, I'm looking for a home, typically what most buyers will do will be to

look at the zoning abutters to the property that you are interested in buying, which I'm sure most of
us are familiar with doing when you purchase a home. What you don't know is the huge unknown if you are abutting farmland that you actually may end up with a utility behind you, which you didn't plan on seeing back there.

In our local plan of conservation and development, the town was hugely supportive of these solar farms going into the town to the point where we actually put it in our plans of conservation and development where we suggested and where we thought these projects would fit the best our community. So it is something that we put a great deal of thought into. Unfortunately, the state felt that these projects didn't need to go before our own local Planning and Zoning Commission. So, all I am asking in this bill is that our local boards actually have the ability to approve these projects, and with that, I will leave it at that. I know a lot of us have served on our local town councils prior to sitting here in the legislature and I will say the project in our town, the developer was very accommodating, listening to the residence. We had quite a lot of meetings with the developer, and they certainly were accommodating with some of the project. There were parentheses that unfortunately we are still unhappy, and I think the way to avoid this huge impact is by allowing our local planning and zoning commission to approve these projects, and with that I will stop.

REP. MCCARTHY VAHEY (133RD): Thank you Representative Hall. Are there questions from members of the committee? Representatives Zawistowski followed by Representative Delnicki.

REP. ZAWISTOWSKI (61ST): Thank you, Madam Chair and Representative Hall, thank you for coming in today. It was a good story. At least you communicated well
exactly what some of the issues are that we may not have known. Was there any compensation offered to abutting property owners?

REP. HALL (59TH): No, no compensation at all.

REP. ZAWISTOWSKI (61ST): Had it been discussed?

REP. HALL (59TH): No.

REP. ZAWISTOWSKI (61ST): Okay, so these folks now, the ones that are abutting the property, who may have had a reasonably good view are now looking at solar panels?

REP. HALL (59TH): Right, and I will say, and I want to be very transparent the developer was willing to work with screening, which I certainly appreciate the effort with that, so there was that accommodation. However, this particular area and we all have them in our towns, was a very rural farmland area, so what the commentaries for most of the public that commented and were against obviously putting it in a residential neighborhood is that when they bought their property they thought that they were buying in a residential neighborhood. Whether the farm was there are not, they knew that there could be a housing development next to them, which they understood, but certainly not a utility.

REP. ZAWISTOWSKI (61ST): What was the zoning on the property that the solar farm went in?

REP. HALL (59TH): It was a residential zone

REP. ZAWISTOWSKI (61ST): It was a residential zone okay. Thank you very much. Thank you, Madam Chair

REP. MCCARTHY VAHEY (133RD): Thank you representative. Representative Delnicki.
REP. DELNICKI (14TH): thank you, Madam Chair. Thank you for coming forward with this proposal representative. You spoke of the plan of conservation and development and the thought process that goes into it, and this time that is spent by the respective town agencies to make sure that complete input comes from the entire body of the public. I know many of the time, and I'm going to go back to farmland because you touched on farmland, and if I said it once, I said it 1000 times that the family farm is an endangered species in the State of Connecticut, and the opportunity for farmers to sell their property for a proposition like this, especially knowing that they don't have to go before planning and zoning, makes it far too easy for farmers to say, hey it's time to just wrap up the business and go away. With this proposal make it a little more difficult for somebody to go into an area as a speculator to buy up a family farm to put one of these projects in?

REP. HALL (59TH): I think it would be largely dependent on the local municipality, so for me, and probably for a lot of us that have sat on local boarding commissions, I kind of think that most of our local, if you will, regulatory boards have a little better idea of what works for our communities than the state would. So, all I am looking to do is put that decision-making back into the hands of our local cities and towns.

REP. DELNICKI (14TH): So just to be clear, presently the only one that would have jurisdiction over that would be the Connecticut?.

REP. DELNICKI (14TH): And we've seen some of their work in that they ended up with the project in an area that was, calling it an eyesore would be mild,
and I've seen some of the other projects that they have approved including a substation in my community that never went to a public hearing even. So, I can see why you would want some kind of jurisdiction within the local community for something as imposing as this, is that your thought process.

REP. HALL (59TH): Yes, that is exactly it. I think everybody is for these projects. I don't think we have heard one of the local residents say that they would exempt this kind of project, and I think if you look at the--and I can see for my town alone, there are literally hundreds and hundreds of acres that we designated for the appropriate places for these projects. Our town was more than welcoming for any sort of plan of that magnitude in the areas that were designated through our plan of conservation and development, and I will stop there, but this particular project I know originally they had tried to get it through local planning and zoning, and it wasn't allowed, it just was not in the approved districts so.

REP. DELNICKI (14TH): And was this a case where the Siting Councils stepped in or not?

REP. HALL (59TH): No, no it was done before they applied and got their approval from the state for the project, so it was done years before.

REP. DELNICKI (14TH): Okay. Well it certainly makes sense to have that opportunity at the very least an opportunity for people to weigh in because quite frankly with the Siting Council you don't have a public hearing in town, people don't necessarily know what is going on, and you hope that the message comes across to the local folks as to what is
happening so that they would have an opportunity to speak, but I can tell you, it is a very difficult procedure in process for any people that have a but a Siting Council project even give testimony, and I speak from experience with folks in the town of South Windsor that had difficulties, so I can certainly see where you would want to have that ability to have that circuit breaker there, pardon the pun.

REP. HALL (59TH): Well, I will say that it was an interesting process and it was a learning process. What the town of Enfield did was they did apply for standing, which actually enable a lot of the abutters to kind of get their voices heard. The Siting Council, again I can't say enough good things about them. They are a board of well-informed, very intelligent individuals. I asked a bunch of questions. They are, I can't say enough good things about the Siting Council themselves, however, when a town is tasked with doing the very high detail plans of conservation development, again spend many hours working on them, the fact that the state can step in and disregard them in tiredly is a little alarming when your local residents and businesses have to comply with them.

REP. DELNICKI (14TH): Well, certainly appreciate you coming for today to speak on this. Thank you, Madam Chair.

REP. MCCARTHY VAHEY (133RD): Thank you representative. Are there questions from other members of the committee? I'm sorry Senator Bradley followed by Representative Baker.

SENATOR BRADLEY (23RD): He was just trying to get your attention, I'm sorry. Thank you very much Madam
chair. So through you, Madam Chair, I'm sure as a representative you know that there is a degree of burden sharing in the community, and I don't have to preach to you because you've been serving for much longer than me and still have the most of the people here right. So my only concern and hesitation with creating exemptions for municipalities is that if there isn't uniformity, where do we, as the legislator, draw the line?

I can tell you in Bridgeport we have a juvenile prison that was built right in our, kind of oceanfront, waterfront property. A lot of the residents who live around there didn't want to see that happen, and the state obviously came in and they said, well it's our power to do it, and we think this is the right location, and they built the prison there. So, if we're gonna do it for solar panels, are we going to do it for people who don't want prisons in their community or are we going to do for people who don't want, you know, fill in the blank. There are things that our needs as a state where people don't particularly want those things there, but they are required to be somewhere. So where do we draw the line if we make this exemption? For people who have issues with solar panels?

REP. HALL (59TH): I think that is a great question Senator and certainly can sympathize with the abutters on that project. I think once you remove the municipalities from actually having jurisdiction over their own town when it is the state that tax them with coming up with these blueprints, I think you are sending two messages. On one side, we want to see your plan, we think that this is a good way to do it, and then on the next line they are saying,
well we really don't care about your plans please. We're going to do what we want.

So, I would totally disagree with putting that project if the abutters thought that they were getting a residential development next to them. If it is sitting in a zoning industrial zone, I think you are talking about a whole different animal. So, I'm sorry, I don't know the project itself you are referring to, but for us what is often said by these developers is, well the cost to put it in the industrial zone property is a lot higher than what we can pick up farmland for. The argument I would have to that is when these projects come before the Siting Council, there is almost a nondisclosure on what the cost is because that actually was one of the questions to the Siting Council from a local member of the community, what is the cost of this project? So, what is it costing the developer to come in?

In this particular project they are actually clearing almost an entire side of the mountain of forestry to put the project up. So, to say that the industrial part of the town is going to cost them more when they are not willing to disclose the costs of the project to the public, I think is another huge issue, but I hope I, I know I danced around the question, but I have to agree with you. I think there has got to be a level of respect all zoning and planning of conservation plans, so I would disagree with that project if it was a residential zone.

SENATOR BRADLEY (23RD): If I may Madam chair through you, and I totally hear what you're saying. I think it is happening to a large extent in surrounding communities around us, Shelton,
Trumbull, were by in large farmlands and have been now made kind of a more urban, suburban type of feel to them. So, which you be amendable to legislation that said that any type of those types of commercial developments, not just green projects, but any type of commercial development that are usually typically designated for suburban communities that we have hindrances or kind of blocks so that they do come back and invest in urban communities?


REP. MCCARTHY VAHEY (133RD): Thank you Senator Bradley and thank you Representative Hall. Other members-- Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you, Madam Chair. Thanks for coming in. This has always been a big issue in Eastern Connecticut in my area where the Zoning Commissions spend a lot of time and effort going through their plans of conservation and development, and in them they decide which it owns, which uses are going to be permissible, and the deciding Council decide otherwise. I'm curious about how it would work with the Siting Council. What the Siting Council go first and then the town zoning commission or with the Zoning Commission go first or would they not need Siting Council approval, how would that work?

REP. HALL (59TH): So, the way I would construct the bill is it will go before the planning and development (zoning first because if they deny the location and there would be obviously no need for a Siting Council, so for me it will go to the town first. You know, and I think if you and if they did go to the town first representative Dubinsky, I think the town can even direct them to areas that
have been designated for these kind of projects, so I think that only helps. I think that what we found with this particular project, there wasn't a lot of discussion before it went before the state for its approval. It was kind of a bit of a surprise to the community.

REP. DUBITSKY (47TH): Well I appreciate the bill and it brings up the issue that Senator Bradley mentioned as well, you know, in a lot of areas the people of the areas don't want something in the Siting camel just kind of walks in there, and it brings up sort of a larger discussion of local representation on the Siting Council when a major project, whether it be a solar pursuit or a prison, that somebody from the town where this thing is proposed, maybe somebody from the selectmen or the mayor or somebody from planning and zoning should be somehow involved in that Siting Council decision as opposed to just being able to, you know, submit testimony like anyone else. Whether this bill goes through or not, I think that a discussion needs to be had, you know, both in the urban communities and in the rural communities, the Siting Council can just take something that nobody wants an plot that basically wherever they want to, and I think that we need to have that discussion as to whether or not the town should have more say in those things so I appreciate you bringing that to us.

REP. HALL (59TH): And I don't mean to be repetitive but that was the number one complaint from local residents is that, you know, I have to comply with planning and zoning regulations and all the businesses that come into my community do, however, there's a huge overreach done by these projects that come before Siting Council.
REP. DUBITSKY (47TH): Thank you, Madam Chairman.

REP. MCCARTHY VAHEY (133RD): Thank you representative. Senator Champagne.

SENATOR CHAMPAGNE (35TH): Representative, I'm going to agree with you on this, and in fact some of this that Senator Bradley said as well. I think any project that's going to come into a community that doesn't have a local say, it needs to be fixed. I think it should have a local say because I think any house within a certain distance from this project that--your talking about the value of that house has decreased, and because we didn't have the local planning and zoning involved in that, there was no stopping the decrease in value. It was almost--the way it was done, they just took something away from the local residents, a value, and I think it goes beyond just Siting Council, there are other groups in the state that as well, and how many towers have we seen go up, how many electrical lines go up, you know, I think somebody mentioned the electrical substation. I think if you have the local planning and zoning weigh in, we can get some screening, we can do some differences in the plantings and stuff like that, so I'm going to have to agree with you on this. Thank you.

REP. MCCARTHY VAHEY (133RD): Thank you Senator Champagne. Other questions from members of the committee? If not, thank you Representative Hall for your testimony today.

REP. HALL (59TH): Thank you very much.

REP. MCCARTHY VAHEY (133RD): Next we have Pam Devivo followed by Representative O'Neill. Please use your microphone, thank you.
PAM DEVIVO: My name is Pamela Devivo, and I'm from the town of Windham/Willimantic and I chair the economic development there, and I'm here as a representative for them and as a homeowner and as a commercial property owner in the enterprise zone in downtown Willimantic, and I just finished refurbishing an 1852 building, and I'm here to testify on the bill fixed 6552.

I would like to reach you something if I could, it is the resolution passed by the Windham EDC on December 17th. While the resolution does address the opposition of the intent of the resolution, in its context within House Bill 6552 is that it supports a narrow exemption from certain historic preservation requirements when the building is vacant and undevelopable for more than 5 years, and lie within an opportunity zone and within a distressed municipalities.

The resolution that we passed on December 17th, with discussion regarding to buildings on Main Street, 819 and 833 Main Street Willimantic, Town of Windham. The commission discussed the petition that has been circulating in town to prevent the demolition of the Hooker and Hale building by a potential developer in order to construct an approximately 150 unit project. Upon discussion, the commission put forth and voted on the following motion, whereas the petition regarding protection of historic buildings at 819 and 833 Main Street Willimantic Connecticut, according to the Connecticut Environmental Protection Act, the petition served as a deterrent to the development of Willimantic business district.

Furthermore, the opportunities for downtown revitalization from pending new development that
demolishes 819 and 833 Main Street greatly outweigh the history associated with these badly deteriorating buildings. Furthermore given the numerous failed attempts over many years to bring prudent and feasible development to 819 and 833 Main Street, we believe the removal of the existing building in favor of new development represents the best opportunity for revitalization of Willimantic Main Street.

This bill is necessary for towns and cities like Windham and Willimantic to give them the ability to thrive and evolve again in our present and future economy. We, of Windham economic development, are in favor of this proposed bill. Thank you.

REP. MCCARTHY VAHEY (133RD): Thank you for your testimony. Are there questions from members of the committee? Seeing none, thank you very much.

PAM DEVIVO: Thank you.

REP. MCCARTHY VAHEY (133RD): Did we have a question over there? You sure? She's right here. Representative Dubitsky, go ahead.

REP. DUBITSKY (47TH): Thank you. Is it your understanding that this proposal is limited to projects that are privately funded?

PAM DEVIVO: I'm not familiar--I don't have the knowledge on that. I was a private investor when I just finished my building, and nobody came knocking on my door and telling me what I could do and not do, so the bill itself--I don't have the answer to that. I think Susan Johnson may have a better answer for that.

REP. DUBITSKY (47TH): Okay. Is it your feeling, regardless of what the bill eventually turns out to
be like, that a project like the one you're talking about in Windham should qualify for an exemption only if it's done with private money or also if it's done with state money?

PAM DEVIVO: I think it should be across the board because there are so many towns like Willimantic and Windham that this holds them back, and whether you have private money or government money, I think that the exemption should apply, in my personal opinion.

REP. DUBITSKY (47TH): Okay. There are instances fell went a historic building that has in the past been the recipient of public funds in some way finds itself in the situation like you are describing where they don't have enough money to fix it up, so it kind of sits there for a while hoping that they're going to get some more grant or something like that. Do you think that it might be a way to work this bill to avoid a situation like that where public money has gone into a building and has not gotten it into shape yet, and there's more public money coming and all of a sudden somebody else comes in with more public money and not to down and revealed it? You know, I think there might be some--there might be something in there that we would have to try to get around.

PAM DEVIVO: Right. I think what happens in older buildings, and Willimantic downtown has The Capital Theater which was rebuilt, the YMCA was rebuilt, but with private people there's the potential of them running out of money, right, so then the project goes in the win and then somebody else has to pick it up, so where do you find the balance, and how do you exempt that in the correct way. I'm not prepared to answer that question. I'm not familiar with--but I think that's across the board. I think it should
be exempt whether you're taking state money—because with the depressed municipalities, they are dependent on the state money, and we all know that it cost a lot preserve and bring things back. So yeah, I don't think it should just be limited to the private investor or—I think it should be across the board. Am I answering your question correctly?

REP. DUBITSKY (47TH): Yeah, however you want to answer.

PAM DEVIVO: Yeah, I'm not sure if I'm giving you what you, you know, if I'm answering it for you.

REP. DUBITSKY (47TH): Okay, and you think it would be the same whether the new building would be owned by a taxable or a nontaxable entity?

PAM DEVIVO: I think what would be the same?

REP. DUBITSKY (47TH): That this exemption should apply in the event that, let's say a nonprofit that is not taxable is going to take down the historic building and put up a new structure that would essentially take it off the tax rolls.

PAM DEVIVO: Well, we have a lot of that in Windham and Willimantic, so we are very familiar with properties that are not on the tax roll, and if I were thrilled to have a private investor to help build our tax goal, you know, so we can continue to be generous to all our nonprofits in property that are on the tax roll, but I still believe, yes, it should be exempt, and I think given that we need to trust our planning and zoning and our roles that we have in place, that they are going to preserve the historic pieces, and even if they are a non-profit or off the tax roll property.
REP. DUBITSKY (47TH): Okay, thank you. Thank you Madam chair.

REP. MCCARTHY VAHEY (133RD): Thank you representative. Representative O'Neill followed by Anthony Denorfia.

REP. O'Neill (69TH): Thank you for allowing me to testify. I'm here to testify on proposed bill number 5123, AN ACT PROHIBITING THE USE OF EMINENT DOMAIN FOR COMMERCIAL PURPOSES, and I'm speaking in favor of that legislation. A number of years ago we had the Kelo case, which came down which caused a lot of attention to be paid to the use of eminent domain for commercial development type of purposes, and taking property from one private owner and handing it to another private owner in the interest of trying to achieve economic development, and there was a response by this legislature, but I believe that that response really was only a partial response, in that the conditions still exist that there could be of repetition of the Kelo case where a person's home gets taken and gets used for purportedly for commercial development that would be a more valuable thing than that individuals person home is, as far as the tax rolls are concerned.

So, I think that this is at its root the problem as identified in this proposed bill, which is using it for economic development purposes instead of what I think originally everybody understood eminent domain to be allowed which was to build roads, bridges, schools, and that sort of thing, public buildings that were going to be used by the public and owned by the public as opposed to the way it has been used at times in the past. So I would hope that the committee would give very favorable consideration to this, and it may need refining as almost all bills
do, but I'm hoping that this would be a starting point for a serious discussion about this issue, which sort of disappeared a little bit off of people's radar scopes, but I think it has always been there and there is that potential for another case like that cropping up, which creates a great deal of doubt and anxiety in people's minds about the society safety of their property when someone thinks there is an economic development project that would be a better use than their home is for example. I would be happy to answer any questions.

REP. MCCARTHY VAHEY (133RD): Thank you very much Representative O'Neill. Are there questions from members of the committee? Representatives Zawistowski.

REP. ZAWISTOWSKI (61ST): Thank you Madam Chair, more in the way of a comment. Representative O'Neill, thank you for coming in to talk about this. It is hard to believe that it has been since 2002 that the Kel case was filed, and I think it is very important for the legislature to at least address what other states have addressed since this time to address protection of private property rights.

Also, right now we've been looking at a lot of--the past couple of years, we've been looking at a lot of instances where eminent domain has come up in the discussion of transit oriented development, and I really think it is a time to be able to define what our state wants to do with private property rights and so thank you very much for coming in to testify in favor of it.

REP. O'Neill (69TH): And thank you for proposing the bill and getting it to a public hearing. It's important I think to have this discussion.
REP. ZAWISTOWSKI (61ST): Thank you, and thank you Madam chair.

REP. MCCARTHY VAHEY (133RD): Thank you Representative. Senator Cassano.

SENATOR CASSANO (4TH): I'm curious of the definition of public includes road construction? As I look at this, I mean, we're talking about, you know sitting private property so we can put in it a commercial mall or this or that, but I mean we have by law now the right to build highways roads, widen and so on, and that could be a "commercial use." I'm wondering if we're treading on something here that might be— at least need to be clarified.

REP. O'Neill (69TH): If I could respond, I think that, certainly from my view and Representative Zawistowski can speak for herself, but a road is what would be owned by the government, maintained by the government, it is not just using eminent domain as a conduit to take property from one private owner and give it to another private owner, and so I think there is a clear distinction between a road. Now, if a road were going to be an old-fashioned turnpike, and a private company was going to own and operate the road, then I think that would be a different kettle of fish. I don't think that we are thinking about doing that anytime soon in the State of Connecticut.

SENATOR CASSANO (4TH): Thank you.

REP. MCCARTHY VAHEY (133RD): Thank you Senator. Thank you representative. I would just like to ask you one question, you reference some historical information, which is something that is the strength of yours I think, and it was that the legislature’s response following that case was a partial one. So
for those who are new, you know, could you just define what you mean by the partial one, the partial response?

REP. O'Neill (69TH): Well, one of the key things that people were reacting to was the very notion that you can take private property, and in what the Supreme Court in the Kelo case said both the state Supreme Court and the US Supreme Court was that was a legitimate use for the power of eminent domain by the government, and I think that it comes as a shock to many people to understand that if the government decides, whatever government level it is, but most eminent domain is really based on state government authority, either delegated to a municipality, possibly to some other agency operating on behalf of the state to accomplish some goal, and that power can be used take property from one person, as was the case for Ms. Killough, and transfer it to a development corporation that was trying to, but ultimately never really succeeded, in developing an area for economic growth purposes. Essentially what it boiled down to was, you are taking property from one private owner and giving it to a different private owner because you think that other private owner, the new one, can make better use of it, generate more tax revenue, generate jobs, that sort of thing because the ultimate societal benefit perhaps by having that transfer of that property, so instead of being used as just a single family residence, it can be used as a shopping mall or as an office building or something of that sort. So that was really the bone of contention. I think that the question for the Supreme Court to reach was whether or not that was an appropriate use of eminent domain at all, and the US Supreme Court
ultimately ruled that it was, and so at that point people were really, I think, concerned.

Now, there were some changes that were made to our law, but they still left very open the possibility that you could have an exact repetition of the Kelo case going forward. Even though there were some protections that were added into the law, it really did not squarely address what happened in Kelo.

REP. MCCARTHY VAHEY (133RD): Thank you Representative. Are there any further questions from members of the committee? Thank you very much.

REP. O'Neill (69TH): Thank you very much.

REP. MCCARTHY VAHEY (133RD): Next on the list we have Anthony Denorfia. Welcome.

ANTHONY DENORFIA: Thank you Madam chair. Members of the committee, I am here today to speak in opposition to House Bill 6756, AN ACT CONCERNING OPEN SPACE PRESERVATION AND CLUSTER DEVELOPMENTS. I think what I would like to do initially is give my own personal strong bias towards open space preservation subdivisions. Being a father, grandfather, resident of the state for many, many years I strongly believe that we need to preserve as much land that we can for future generations. I am also speaking having a little bit of experience in this having been builder and developer since 1981, constructing probably too many development then I would like to. I am also a practicing attorney, or was a practicing attorney, I have since given that up, since 1978 feeling in land use decisions.

My problem with the proposal is that what it does is it looks at one aspect of the regulation without taking into consideration all the others, and it is
taking a one size fits all approach to the regulation. All this particular proposal does it say, you can't count inland wetlands in computing your density formula. Well every single town that I am aware of, and I'm gonna give you one example of Southington and then I think we have four more examples of towns that we can submit, has a different formula. Some of those formulas discount wetlands, some of them do not allow wetlands, but again it is not a one-size-fits-all.

The first wetland open space subdivision application I had was actually in 1986 on one of our projects, and basically it was in Southington, and basically what the regulations set is, well submit conventional subdivision figure how many lots you have, you can reduce your lot by 50 percent and that is your yield. We ended up, actually we had some steep slopes on that property. I think the project was close to 80 acres, we ended up with 20 one-acre lot and donate the rest to open space, and by doing that we--there were no wetland issues on this property but there were steep slopes, and we preserved all of that property. Since that time Southington, which has a lot of development in its town, has amended those regulations and taken into consideration a lot of these sensitive areas. The current open space subdivision I'm working on or have underdevelopment is 40 acres of land, it only has half of an acre of wetlands on it, what we are able to do is give over 14 acres of upland area as open space.

Now house Southington presently computes its formula is that you take the total area of the land, the total area of the land, and then on that roast area of the land you deduct 10 percent for streets right
away, and then you deduct the area with your subdivision requirements require you to keep in open space, basically an acre for every 25 lots, and then you deduct totally all ponds or the substantial bodies of water, then you deduct 25 percent of slopes in excess of 25 percent, then you deduct 25 percent of the inland wetlands, and then you deduct 75 percent of all floodplain areas, and then you do that 50 percent of areas covered with easements or other restriction. You take that net amount and then you divide that by the underlying zone, which say if it is in a half acre zone, you divided by a half of an acre and that gives you your yield. Most times it is pretty close to what you would under a conventional subdivision.

As an added protection what they all say do is they turn around and they say, well we want you to also submit a conventional subdivision because we want to make sure that we're not giving you too much of a bonus. Most of the time—

REP. BAKER (124TH): Can you sum it up?

ANTHONY DENORFIA: Excuse me?

REP. BAKER (124TH): Can you sum it up?

ANTHONY DENORFIA: Okay. So basically what I am trying to say is that it is not one-size-fits-all. What you are going to do by just looking at this one particular, you are going to force all of the town to have to go back and read look at their regulation to make them current.

REP. BAKER (124TH): Thank you for that summary and those numbers. I appreciated. Representative Dubitsky.
REP. DUBITSKY (47TH): Thank you Mister Chairman. Thank you for coming in. Have you noticed that any towns that are actually requiring the open space subdivision and cluster housing?

ANTHONY DENORFIA: Not that are requiring. What I've seen is that most of them are allowing it under special permit. A lot of towns now strongly encourage it because they want those big lots of open area that again can be left for future generations. Again, when you look at the open non-developed lands, it provides a lot of benefits. Your wetlands, you know, it cleans your water, you know, which in the thinner groundwater and things like that. Your good land if it is undeveloped also assess what storage and things like that, so there are a lot of incidental benefit to going with this type of development. Should they require it, I would like to see it, but--

REP. DUBITSKY (47TH): You would like-- because I have seen some towns that are now starting to mandated and it appears that in some instances this conservation area is essentially just use as dumping grounds because nobody takes care of it, and if that is the wetlands, that causes a bigger problem doesn't it?

ANTHONY DENORFIA: Well, there are two ways of looking at it. One is that if it is not put into an open space, it is put into an individual lot. What I found in developing, whether I built on a quarter of an acre lot or whether I built on a 2 acre lot, it is human nature that we are going to clear our land from border to border, and that is I think the most detrimental thing that we can do to the environment. When you look at something like the wetlands, and one of the reasons why we have the wetlands and the
protection of the wetlands like the 50 and 100 foot buffer, is to ensure that basically whatever water and runoff and all that is pure by the time it gets into the wetlands. You know, you want to make sure that you do not have--you know one of the big things is the nutrients in fertilizers and things like that, if those are not controlled and they will end up in the wetlands. If this land is not open space then what happens is the property owner will only land all the way to the wetlands and beyond. Who's going to mow it right, or until his mower goes into the water and he can't mow it anymore, and who will fertilize it, and those of the things that will have a long-term effect on the environment.

REP. DUBITSKY (47TH): Thank as is exactly why laws like this should not affect everybody. In areas like mine, we don't have quarter acre lot, people don't mow from property line to property line. A development could be three or four lots better 10 or 12 acres, much of which is woods. People are not clearing that, so it is very different in different parts of the state. I agree with you that this is not a good way to go, I think we differ on why though. In areas where a large piece of property could be cut up into just a few very large lots, this would actually be detrimental, and not to the developer, but to the owners themselves because of property owner would give up, you know, if they want to cut up a couple of lots for their kids on a 100 acre farm, in many instances they may be compelled to give 40 percent of that to the town.

ANTHONY DENORFIA: I guess what the example would be if you are in an area as you mention, say 12 acre lots, and again this is philosophical, if you are on a 12-acre lot, are you better off, if you can only
get 3 lots out of it, are you better off building 3 six acre lots and giving the remaining 18 acres to open space or are you better of making 3 six acre lots, and that is just the development of philosophical issue.

REP. DUBITSKY (47TH): Right, well I guess it depends on who is better off. When you talk about being the property owner or being the developer or being somebody who is going to buy the property, a proposal like this, under normal situation, a property owner could be compelled to give up 40 percent of their land. If you exclude from that calculation any wetland or watercourse area on a 100 acre farm, you could be excluding another 40 acres for another 20 acres. So you would essentially require a farmer to give up a huge portion of their property just the cut off a couple of lots for their kids. So I agree with you that this is not a great proposal, from your standpoint as a developer or from the standpoint of a small farmer or property owner in a rural area that really doesn't want to give up their legacy just to give their kids a little piece of land.

ANTHONY DENORFIA: Thank you.

REP. DUBITSKY (47TH): Thank you.

REP. BAKER (124TH): Thank you. Senator Champagne.

SENATOR CHAMPAGNE (35TH): Thank you. When you have the open space on some of your properties, if it is not put into the individual lots, what ends up with that land?

ANTHONY DENORFIA: There are two different ways that the towns have approached them in over the 30 years I've seen basically the towns have been flip-
flopping. One is that a lot of towns would hate the open spaces as a requirement, the second is that you would create a homeowners association to manage it, and the third way is that if there are local land trust, often times the local land trust will take that, but those of the three ways that I am aware that, you know, the ownership or the maintenance of an open space is completed.

SENATOR CHAMPAGNE (35TH): Right. So I don't have issue with if they want an association or if one of the land trust takes it, but with a lot of these the towns end up taking it. Not by choice just because our planning and zoning require that it is open land, and now the town is required to go take care of it. The town is required to take on all liability with this, and usually there are some runoff basins that we have to clean out, that we have to keep clean, and if one of those fails we have to rebuild it. So, by expanding this and putting more land onto the towns, this just turns into an unfunded mandate, and if we have to go back through and rewrite all of our planning and zoning to comply with this as well, again, this is just an unfunded mandate put on the town. So, with those two alone, you know, I am against unfunded mandates, so I just can't comply, I can't go with this just for that reason. Thank you.

REP. BAKER (124TH): Representative Gucker.

REP. GUCKER (138TH): Close enough. I appreciate you coming for, and I wish that many of the developers in my city were as open-minded as you were to preserving open space. As somebody who has fought to save hundreds and hundreds of acres of open space in my town, in fact we are dealing with the situation right now, which is the cluster development as you are speaking of that the Northwestern Conservancy
has considered the last wildlife quarter left in my city, it does go that way. Unfortunately, in an altruistic world I agree with you with cluster development. I have no problem with cluster development, I think it is great. The idea of not tearing up and destroying so much of the land, to preserve it for open space, is great and that was I think the true intent of a cluster development.

Unfortunately, not everybody is as altruistic as you are. It has turned into a grabbing onto questionable land, whether it be slopes, whether it be wetlands, whether it be others, that they overdeveloped, like I said earlier. Other areas using the supposed, if the wetland areas was able to be developed. Nine times out of 10 the wetland then becomes the preserved space for the cluster development. So knowing that it is a problem, they do donate that. Now it is up to the city or the town to accept that donation or the land trust to accept that donation. It is not mandatory, and yes, many of the cluster developments in our community, it does fall into kind of like condo association type thing.

So if the wetland area that is considered to be preserved for open space, if the town or the city of the municipality does not want to accept that, it then falls on the responsibility of that homeowners association to maintain that and also deal with the expenses occurred. The simple part of the bill is two, when you are doing the formula, what you are saying--in Southbury, they are already doing that, and that is fantastic that they are. In fact, Southbury I think is going over and above what they do, and I'm surprised we are able to get much developed in Southbury since it is a neighboring town and I've been there numerous times. This is
moreover protecting but not to ensure that you are not over developing and not yourself, but the general industry, upland areas or other areas, farmland or etc. the other thing I want to bring to your attention is that, as you know, anything within 50 feet of a watercourse or wetland is regulated activity, so if your Inland Wetlands Board is following through on their charter, if somebody is mowing to the wetlands, they are in violation of the environmental impact, they have to then be called in front of the environmental board to make restitution of those areas. So we do have some safeguards there. This is moreover to protect open space as far as not over developing.

If you have, for example, a 20-acre parcel and five of it is underwater, do you get permission to put 20 houses in or do you put 15 in if it is a 1 acre zone; that is where it comes into play. There are concerns, and I get it, with unfunded mandates or anything else, it is not generally not meant to be, that it is meant to make it so that you are further protecting, and I do appreciate—you seem very sincere, and I'm very happy, and I wish you were developing in Danbury this idea of open space. So going forward, you know, your plan in Southbury is already doing this. I would like to see other communities do this, and a lot of times it comes down to land-use attorneys fighting for this, and it comes down to stretching every nickel out. I wish we had, in our town, the slope ruling, that would also go well.

So, I mean with that if it's acceptable in Southbury that they're already taking off the wetlands areas, what is then the issue of expanding that to protect other water courses and wetlands?
ANTHONY DENORFIA: Yes, Representative Gucker, it's Southington I was dealing with, I'm sorry, but the problem with this regulation is I don't think it acts as an environmental enhancement regulation. What it does is it affects the formula. If you had a 20 acre parcel of land, 50 percent impacted by wetlands, and let's say that the formula is 50 percent hypothetically, you could take that 20 acres of land, and they are 1 acre lots, chop it up 20 lots, put the wetlands on an individual lot, and end up with your 20 lots. If you go with the formula as presented, you take out that 10 acres, now you have to find out the--maybe it will cut your lots in half, you will probably end up with a yield that is significantly less, which will force the developer to turn around and build a longer road, put in more infrastructure, and, you know in a more impervious area.

That's not what I think what you are trying to accomplish, I think what you are trying to accomplish is the preservation of the wetlands and the probably other sensitive areas. To do that is not through the formula, to do that is through dealing with wetland regulations, which we have, which basically prohibits everything under the sun from doing it, you know, those types of regulations is where you prohibit the development in that area. What this does is it says we are going to mandate how you are going to use this formula. Now this formula, what it will do is it'll just force the towns to adopt a different formula. Because, again, they wanted to encourage this type of development to limit infrastructure and things like that and to preserve the area for future generations, you know, The environment and stuff, but what this formula does, I don't think it accomplishes what you are
trying to accomplish. I think what you really want to do is you want to make additional for the environmentally sensitive areas, which just dealing with the formula doesn't do that.

REP. BAKER (124TH): Any further questions?

REP. GUCKER (138TH): I've probably beaten this war so badly that it probably will write anymore, but thank you for coming, and again I understand and I just wish that the people, the developers, that I've had to deal with in our community were as environmentally sound as you are, but sadly I find you to be the exception and not so much the norm, so hence, thank you trying to move something more for. I thank you or your testimony.

ANTHONY DENORFIA: Not as a pitch for the Home Builders Association, but most of us are.

REP. GUCKER (138TH): I used to be a home builder, I used to be in the business, so I know. Thank you.

ANTHONY DENORFIA: Thank you.

REP. BAKER (124TH): Thank you. Any other questions? Representative Michel.

REP. MICHEL (146TH): Thank you Mister chair. Thank you for testifying. I just wanted to support what Representative Gucker has been saying. I live in Stanford, and we have had some issues with development in Stanford particularly in my district with building. Thank you.

ANTHONY DENORFIA: Thank you.

REP. BAKER (124TH): Thank you for coming out here testifying, I am sure a lot of your information is well taken.
ANTHONY DENORFIA: Thank you.

REP. MCCARTHY VAHEY (133RD): Before we had our next testifier, I just want to note that we will need to recess the hearing briefly so we can adjourn our committee meeting at 3 o'clock. So with that our next speaker is Brian McCabe. Welcome Mister McCabe, and forgive me if at some point during questioning I need to interrupt and we will come right back to you.

BRIAN MCCABE: Thank you Madam chair and members of the planning and development committee for this opportunity to introduce NRG Energy to you today and to discuss S.B. No. 527. My name is Brian McCabe, I am the director of development at NRG. NRG would like to thank Senators Lesser and Abrams and Representative Serra and Phipps for introducing this bill.

NRG currently owns a diverse mix of large dual-fuel steam units and smaller QuickStart peaking units totaling approximately 1500 megawatts of generation and the state of Connecticut. To put that into perspective, that is enough generation to power more than 1.2 million homes. NRG also serves retail customers in the state with three of our retail energy grants. We have been a part of the community for almost 2 decades now with generating units now acquired from CLMP in 1999.

During this time we have invested over $1 billion in to the State of Connecticut, including the initial purchase, continual investment in our existing units in building new generators. At NRG's Middletown generating station, we currently operate four units totaling approximately 770 megawatts, two of these units were constructed in the 1950s and 1960s. NRG
has proposed a repowering project, which would result in the retirement of the units two and three, 353 megawatts and replace those units with the new efficient peaking units. The project would enable increase use of renewable energy resources, like wind and solar. The proposed project would utilize existing natural gas supply and the site would not require any new off-site infrastructure.

The project has a support of the city of Middletown and the Middlesex Chamber of Commerce. It also has significant local benefits including the creation of nearly 250 jobs during the three years of construction. From an environmental standpoint, the repowering project would result in a substantial decrease in air missions as well as a reduced impact on the Connecticut River. We have been in discussion with the city of Middletown—sorry, tax stabilization agreement for the repowering project. The proposed tax stabilization agreement would be extremely important for our project and our company and provide certainty on one of our largest annual operating expenses.

Connecticut General Statute 3271A allows municipalities to enter into property tax agreement with new generating units, however the legislation does not address new elected generating units that are constructed at existing sites with other units that are still in operation. In our case, the city and NRG agreed that, one tech stabilization agreement that covers all the units, both existing and new, has a mutual benefit. It provides budgeting certainty for NRG and its potential lenders, or the city it will provide property tax revenue stability and will help the city manage uncertainty over the eventual retirement of NRG units.
REP. MCCARTHY VAHEY (133RD): Thank you very much for your testimony. Are there members with questions? Again I will remind you, just with the timing and forgive me if I need to interrupt. Any questions? Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you Madam chair. This bill is very limited in its language, it is one sentence, can you explain to me how this would help your company and how it would help the municipalities?

BRIAN MCCABE: So, right now under the existing Connecticut General statute, we have the ability to enter an attack stabilization agreement for the news proposed repowering project, that's not that issue. What we would like to do is enter into one tax stabilization agreement that not only addresses our new repowering project but also wraps in our other existing units at the site that will continue in operation. So two of our units, when the new unit comes online, will be retired, but we have another two units, units 4 and 10, that will continue in operation. At some point they will retire, and what we're trying to do with the city is try to avoid basically a cliff in property taxes around the new unit plus the existing units. So you can imagine when unit 4, which is one of our larger units at the site, when unit 4 eventually retires this [inaudible 03:22:28] taxes, there will be a drop a decrease in property taxes associated with have a reduction-- a reduction in the assessed value off of that unit, so we are trying to wrap basically one tax stabilization agreement that covers all the units at the sites, the new one as well as the two remaining existing units so that the city will have a flat revenue property tax profile from our sites.
REP. DUBITSKY (47TH): So there's going—I apologize, you have to dumb it down a little bit. It is not my area of expertise. So there be one agreement that will cover all the facilities within a municipality or across multiple municipalities?

BRIAN MCCABE: It would cover, so for us, the city of Middletown, the tax stabilization agreement that we are trying to negotiate with the city of Middletown, we are trying to do one tax stabilization agreement for our site in the city of Middletown, which will cover our new proposed unit at the existing site as well as the two other remaining units that would stay at the existing site.

REP. DUBITSKY (47TH): And they can't do that now?

BRIAN MCCABE: Right now we can enter into tax stabilization agreement for the new unit but we cannot encompass the other existing units at the site into one tax stabilization agreement.

REP. DUBITSKY (47TH): So, a state law is prohibiting that?

BRIAN MCCABE: The way that Connecticut General statutes, 3271-A is drafted, is written, only allows for municipalities to enter into tax stabilization agreements for new generating facilities.

REP. DUBITSKY (47TH): Thank you. Thank you Madam chair.

REP. MCCARTHY VAHEY (133RD): Thank you Representative. Are there further questions from members of the committee? Okay, without seeing any, thank you for your testimony today.

BRIAN MCCABE: Thank you.
REP. MCCARTHY VAHEY (133RD): Next we have Rene Flaherty. So we, and just to clarify our timing situation, we had a committee meeting earlier in the day. We have held attendance open until 3 o'clock, and actually, Ms. Flaherty, why don't we, as senator Cassano has suggested recess until three, at which time we will reconvene our committee meeting, and adjourn that meeting and immediately reconvene the hearing. So with that I will recess our hearing until 3 o'clock.

[Recess]

Good afternoon everyone. I would like to reconvene the public meeting, the committee meeting, excuse me, of planning and development that we recess earlier this morning, and I will accept a motion to adjourn. Senator Somers and a second from senator Champagne. All in favor?

REPRESENTATIVES AND SENATORS: Aye.

REP. MCCARTHY VAHEY (133RD): All right, we are adjourned, and now I would like to reconvene are public hearing. Our next speaker is Rene Flaherty. Welcome.

RENE FLAHERTY: Thank you so much for the opportunity to testify in support of House Bill 5123, which would end eminent domain for economic development. My name is René Flaherty, I am an attorney at the Institute for Justice, a national nonprofit organization that, among other things, litigates and lobbies to protect the property rights of homeowners and small business owners.

My colleagues know Connecticut well, we have done two important cases involving eminent domain here. IJ represented Susette Kelo and other property
owners in their litigation against New London, which resulted in the 2005 Supreme Court case Kelo vs. New London. In 2016 I represented Bob McGinty of West Haven in a lawsuit to stop the city from taking his beloved family home and turning it over to a developer to turn into a luxury shopping mall. Both the proposed development in Kelo and the one in West Haven have not materialized. I respectfully offer that fact to your additional considerations.

Regardless of one's view about whether Kelo vs. New London was correctly decided are not, taking for private development by eminent domain can be very costly and not always produce their desired result.

The Connecticut legislature must act by passing House Bill 5123, and the bill needs three things to ensure that it stops eminent domain abuse. First, a clear definition of public use that excludes private development. Second, a clear definition of blight that will preclude contextual taken, and third legislative bodies must be required to vote on the record in order to use eminent domain. IJ's model eminent domain legislation embodies these 3 concepts, and I've attached it to my testimony which is online.

In conclusion, the committee should support House Bill 5123, it would mean the end of eminent domain for economic development and returned to the principles that one's home, is one's castle. I'm happy to answer questions.

REP. MCCARTHY VAHEY (133RD): Thank you very much. Thank you for waiting, and thank you for your clear and succinct testimony. Are there questions from members of the committee? Representatives Zawistowski.
REP. ZAWISTOWSKI (61ST): Thank you Madam chair. Thank you for coming in today, especially traveling the distance that you did. I'm just looking at your testimony on mine, and if there were attachments to it, I'm showing 3 pages of testimony but no attachment, is that something that you can get to the committee?

RENE FLAHERTY: Absolutely. I have some here with me, so I can get it to you.

REP. ZAWISTOWSKI (61ST): Okay, because a lot of time what happens is if it goes online it is only the main part of the testimony, so we don't have that in front of us right now. She tells a little bit more about that West Haven case if you don't mind?

RENE FLAHERTY: Sure. So it all started back in 2016, and it was in West Haven, and there was a private developer there that partnered with the city and basically they threatened eminent domain to acquire an entire neighborhood, and Mr. McGinty was one of the final property owners to, you know, didn't want to turn over his property to a private developer, and so he got involved with me to pursue justice and we represented him in a lawsuit against the city, and we ended up getting a preliminary injunction from the court so that the property could not be taken during litigation, and we were moving forward, but eventually Mr. McGinty was so stressed by the entire situation, and he was caring for his elderly uncle, and he ended up voluntarily selling his home to the developer so the litigation did not move forward, and unfortunately the development has not move forward. You know, it has been three years and still nothing has been built on the property
even though the developer did acquire all the land that it needed.

REP. ZAWISTOWSKI (61ST): Thank you. I was not-- I had heard of the case, but I didn't have all the details on it, so I think it is a really good example of why we should be heading in that direction because it may have been for economic development, but in the long run, it cost taxpayers a lot more because of litigation. So I think that's all I have. Thank you very much for coming in. Thank you Madam chair.

REP. MCCARTHY VAHEY (133RD): Thank you Representative Zawistowski. Are there questions from other members of the committee? If not, thank you very much Ms. Flaherty for being here today.

RENE FLAHERTY: Thank you, and I will get you the model bill.

REP. MCCARTHY VAHEY (133RD): Thank you. The next speaker today is Joe Comeau. Is he here? Mary faulty. Okay, we will have her come up when she comes back in, and I think Jane Montanaro is here. Hi Jane, welcome.

JANE MONTANARO: Senator Cassano, Representative McCarthy Vahey, Senator Champagne, and Representatives Zawistowski and members of the planning and development committee, thank you for the opportunity to testify today. I'm Jane Montanaro Executive Director of the Connecticut Trust for Historic Preservation, and I'm here to testify on House Bill No. 6552, AN ACT CONCERNING EXEMPTIONS FROM CERTAIN HISTORIC PRESERVATION REQUIREMENTS.

The Connecticut Trust is a statewide nonprofit historic preservation organization that works
cooperatively with state agencies, municipalities, local groups, developers, and individuals to preserve, protect, and promote the unique character in economic vitality of our community. We are leading preservation group with more than 1100 statewide members and we are statutory partners with the State Historic Preservation Office. I am testifying today to oppose this bill.

Connecticut is a model state in historic preservation nationally, thanks to you, our legislator. You have recognized that preservation is an aspirational goal in protecting the historic character of our state, and it is an economic driver for your support of historic preservation tax credits, funding through the Community Investment Act, and safeguards under the Connecticut Environmental Protection Act among others. In the last decade, historic preservation has supported more than 6000 jobs, grown the economy by half $1 billion, and put 83 cents for every dollar into the hands of workers while enhancing the quality of life in our cities and towns.

This bill would have us go backward. All preservation is local. The historic preservation requirements outlined in chapter 97a of the Connecticut state statute represents the intentions and dedication of local residents seeking to protect and maintain their heritage. It is the locals that identify the historic resources that define the community, and they work together to create historic districts to ensure the character of their community is protected. In creating historic districts, residents are saying that these places matter to them. This bill undermines the planning
efforts of communities and robs residents of their say.

We are sympathetic to the situation in Windham that gave rise to this bill. The Connecticut trust recently began working a group of local preservationists in that town who are concerned about the potential demolition of the Nathan Hale and Hooker Hotel located in the Main Street historic district, a national register historic District in Willimantic. Properties within this district are afforded some protection under the Connecticut Environmental Protection Act, an act that holds the integrity of our architectural heritage as precious and necessary as clean air and water. Those protections may be adversely affected by this bill.

We are providing this help through the Connecticut Trust Circuit Rider Program, a field service program which the legislature funds through the Community Investment Act, and with our partner the State Historic Preservation Office. The bill proposed today may not be the answer to that community's needs, that community needs to resolve the issue locally, and this bill will certainly not have a positive effect statewide. I urge you to continue your support of legislation that promotes the protection of our state historic assets, and not one that diminishes those protections. Thank you.

REP. MCCARTHY VAHEY (133RD): Thank you very much for your testimony. Are there questions from members of the committee? I have one for you if I may. Earlier today we were talking about the difference between federally designated and state designated, and if you could talk a little bit about that and what that means for any interaction for your
organization given the federal nature of the situation there.

JANE MONTANARO: So, I think there was some confusion earlier about local historic districts, those are the districts that have commissions associated with them so that any exterior changes are usually reviewed by commission. The bill that is propose here today could affect that because it calls that out directly, but if someone was not getting what they wanted through the commission, they could wait 5 years according to the language here and perhaps do what they wanted to do, but that undermines the governing body of the local historic District commission that was established by the community through enabling statutes that municipalities have already established, but in a national register district there are not any regulatory bodies that review those, so the only opportunity for anyone to have any objections, and it would be for demolition of a property, is under the Connecticut Environmental Protection Act.

REP. MCCARTHY VAHEY (133RD): Thank you for that, and the other question I have is what kinds of engagement and conversation have you had in the community? You mentioned that you have been talking with some other local preservationists, are there any other conversations that you've had in the community to date regarding this matter?

JANE MONTANARO: So, in our experience we have found that FIFA is mostly use as a tool to bring parties together to start talking when there is a crisis such as this, and right now that is sort of how it's being used because the Connecticut trust in the State Historic Preservation Office would like to get some more information because we have been contacted
by local preservationists that they would like us to pursue avenues to see if there are indeed prudent and feasible alternatives to the demolition of this property, and we did have an engineer lined up to inspect the properties on our behalf, and they were not permitted access to the building. So we were trying to open up the conversations and our lobbyist is requesting a meeting with Representative Johnson, so we do hope to speak with her directly.

REP. MCCARTHY VAHEY (133RD): Wonderful. Thank you for your answers and for your testimony today. Mary Falvey. Welcome.

MARY FALVEY: Thank you Senator Cassano and Representative McCarthy Vahey, and members of the committee. My name is Mary Falvey I am the executive director of the Hartford Preservation Alliance. I am here today as the president of Connecticut's preservation action, which is the advocacy group for preservation in the state, and

I'm here to testify in opposition to House Bill 6552. You have my written testimony, a couple of points that I would like to point out, we are fearful that this type of legislation would set up, what we call, a system of demolition by neglect where historic buildings would just be allowed to sit for 5 years and then not be subject to any kind of regulations for preservation. This would also increase blight in the neighborhoods where they're located, and it also decreases the property values and tax revenues from the surrounding properties by them.

Secondly, we think this is overreaching in that it would turn opportunity zones into what we are considering opportunistic zones were anyone could
just come in and have no regulations as to keeping the preservation of historic properties, the communities themselves have determined to be important historic assets for their community. This also runs counter to Senate Bill 570, which has been raised, which seeks to provide strength and resources and opportunity zones.

I would like to also address the previous testimony today because as the bill was raised before us, it was not including any changes to the Connecticut Environmental Protection Act, and we have come out very much against any changes in what we call CEPA. I wanted to say that they are very specific guidelines that the State Historic Preservation Office uses in enforcing CEPA. It is very deliberate. It is incumbent that we prove that there are no prudent or feasible options available and keeping a historic property, and also to clarify, health and safety issues always trump any kind of preservation guidelines, so if the building is in fact unstable poses a threat to the community, you know, CEPA doesn't apply, and we understand that.

Thank you.

REP. MCCARTHY VAHEY (133RD): Thank you for your testimony today. Are there questions from members of the committee? Wonderful, thank you very much for your testimony and for being patient and waiting along with us.

MARY FALVEY: Thank you very much.

REP. MCCARTHY VAHEY (133RD): Next we have Sara Bronin followed by Greg Kirschner. Welcome.

SARA BRONIN: Thank you Senator Cassano, Representative McCarthy Vahey, Senator Champagne, Representative Zawistowski, and members of the
Planning and Development Committee for providing this opportunity for public comment. So just a brief introduction I am a law professor at the University of Connecticut. I specialize in historic preservation law, I've written a couple books about historic preservation law. I chair the Connecticut Trust For Preservation. You've already heard from our executive director, and I'm an advisor to the National Trust Historic Preservation. On top of that, I live here in Hartford in a national historic District, actually on the next block, and I am a former vice chair of the Hartford Historic Property Commission.

So, you have Artie heard from others for reasons to oppose House Bill No. 6552, I'm just going to add a couple more to that list, and just to flush out some testimony. So as a researcher I do a lot of work looking at how different states deal with preservation issues, and this bill would put Connecticut as a real outlier nationally in terms of historic preservation regulations. I found the weather stay in the country that actually gives people the right to vote to self-imposed protections on the character of their neighborhood, and then let individual property owners later opt out.

What we do here in Connecticut is, as Ms. Montanaro was saying, is we actually have property owners boat to establish the local historic districts. This bill would undermine the democratic process, and it is not, as somebody said earlier, a narrow exception. The second point I want to make just reinforces what Ms. Falvey just mention which is that this really robs distressed communities of their ability to control for community character. It means that property owners are able to opt out of the community
expectations for how their properties will be developed.

The closest local historic district to this building is the George Callow Historic district which is just across the Capitol Avenue on Columbia Street and a couple of other streets, and that district is characterized by the rowhouse form all designed by one architect.

You can imagine a bill like this applying to a distressed municipality which I believe Hartford qualifies as, a property owner on Columbia Street tearing down one of those row houses after letting it fall into neglect for five years, so we have allowed this property owner for five years to have this blighted property as it crumbles making it less likely to develop, and then taking out of the rowhouse situation, it is like a missing tooth and a mouth in that case. If that were to happen, the surrounding neighbors would lose property values in community character they voted to protect would be degraded, and then third if this bill gives rise to more cases of demolition by neglect like the one I just described, it will I think give rise to greater litigation in the court, as organization like the Connecticut trust, like the national trust move in to try to protect and preserve historic properties. So that's it for me, I just think the legislature should respect the existing protections for voters, and if possible, you know, remedy to help address some of these issues down the line as to improve support for preservation programs.

REP. MCCARTHY VAHEY (133RD): Thank you Ms. Bronin for your testimony today. Are there questions from members of the committee? I have one for you, earlier today in the conversation, and I'm not sure
if you were here during the testimony with the folks from the town with Representative Johnson, but a number of the comments were with respect to private lands, private developers, and the difference between public and private, and perhaps earlier you heard the good representative talking a little bit about that. I just want you to, if you could, just address that. I am in a community where we do have local historic district commission, and certainly private homeowners in particular, for example, are subject to the conditions of that. So if you could just address that issue that would be wonderful.

SARA BRONIN: It sounded like one of the questions that the issue was about what is public funding were used in the future development project, whether it was owned by private developer or public entity, is that the question you would like me to address or are you asking me to address whether local historic districts apply to both public and private properties?

REP. MCCARTHY VAHEY (133RD): You could do both actually, that would be great.

SARA BRONIN: So, local historic districts can encompass both public properties and nonprofit properties and private properties. I will use the example of my historic district, which happens to be a national register district, it includes the Secretary of State's office, it includes the townhomes on Elm Street where I live, and it includes DEP and it includes a property owned by the Bushnell Theater, which is a nonprofit. So within any historic district you can have a series of different property owners, and unless it's a state by and large the historic district regulation will apply to those property owners.
One of the questions that I heard arise earlier was whether it might be better if this bill was modified to apply, let's say, only to private properties or maybe only to public properties, and I would say that unlike the person who answered that question, who said oh yes it should be allowed for anybody, I would say, you know, it is just as important for us to— I mean, it almost doesn't matter who the property owner is, it should not be a right that an individual property owner within a historic district should be allowed to have. Now their other processes by which property owners can get their properties out of historic districts, you know, there are alternatives for property owners, and those who don't want the obligation of buying into historic district that is already established, might be better off buying property in other areas.

The property in question in Windham, I know the Connecticut Trust is working on that property in trying to resolve the issues between the various parties, but I was that it just now Google maps, and it is a nice looking building and I've seen a lot of buildings that have been in far worse shape, including my house which was fairly blighted, that with some innovation and community support in that case and some creativity can be brought back to life. In particular, at least one building that I saw, is on a corner, it occupies a corner and a pretty prominent area, and to see that point down really takes away from the cohesiveness of the main street, and that's not the only thing. I mean in my work I often try to find a way for historic preservation to be a catalyst for economic development. That is what we all hope for, we don't want these buildings to just be preserved in stone,
but as I said there are creative ways to address these issues and bring it back to life.

REP. MCCARTHY VAHEY (133RD): Thank you for your testimony today. If there are no further questions, we will move to our next speaker Greg Kirschner. Thank you. Followed by Ben Shaiken.

GREG KIRSCHNER: Good afternoon. Thank you to the chair and the members of the committee for the opportunity to testify. My name is Greg Kirschner, the director for the Connecticut Fair Housing Center, a statewide nonprofit, dedicated to ensuring that all of our states residents have housing choice. I'm testifying on two bills today, very briefly asked to House Bill 5273, AN ACT CONCERNING AS OF RIGHT MULTIFAMILY HOUSING ZONES. The center is in favor of encouraging multifamily housing development, particularly around transit, though we would encourage that inclusionary zoning provisions be included with that as of right zoning so that all people will be able to benefit from the opportunity to live near transit, and the opportunities it provides.

I'd like to testify in a little more detail regarding house Bill 6352, AN ACT CONCERNING THE ZONING OF COMMUNITY RESIDENCES AND CHILDCARE RESIDENTIAL FACILITIES. I was able to hear the testimony that Representative Pettit brought forward earlier today, which is very helpful to get a better idea of what the purpose behind this bill is, but what I heard was actually fairly troubling, which is that the community provider needs clarification on the bill because it seems like 83F is a deterrent or an impediment to them being able to develop housing for people with disabilities. The 83F, as written, appears highly suspect under the Fair Housing Act.
It directly targets people based upon protected class status, people who live in group homes or people with disabilities, therefore it is subject to strict scrutiny under the law.

Many cases have found that spacing requirements for group homes are illegal under the fair housing act, and in the limited cases where they had been found to be constitutional, it has been only if they are intended to protect the interests of the people being served by the group homes, and that requires a pretty refined analysis to show that it is to prevent concentration of people with disabilities.

As I sit here today thinking about my own home in my own neighborhood, I cannot tell you what is within 1000 feet of my home, and I think is unfair to ask people with disabilities to know what is within 1000 feet of where they are going to live, and that should extend to the people that are providing that housing to them. It is particularly troubling considering that it applies to 83E, which talks about group home of six or fewer individuals, so even the idea that two homes with people with disabilities consisting of six people within 1000 feet of each other can cause any sort of concerns about over concentration or negative impacts upon the people residing there, is really far-fetched, and the fact that the power to deny the development of a second home within 1000 feet resides in the local zoning board, suggest that it is really going to be a tool for local opposition to torpedo such development rather than an analysis by, say a funding agency, as to whether or not they want to fund homes so close together.

So, I would encourage the committee to really look hard at 83 at and consider whether or not it should
be simply repealed or whether there is a better mechanism to address any legitimate concerns about the concentration of group homes in a way that would not infringe upon the rights of people with disabilities or the ability of providers to provide the ferry housing in the community. I would be happy to answer any questions.

REP. MCCARTHY VAHEY (133RD): Thank you so much for your testimony. I am always impressed by people who get in under the bell, that is wonderful. Great timing today. Are there questions from members of the committee? Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you Madam chair. You had mentioned 5273?

GREG KIRSCHNER: Yes.

REP. DUBITSKY (47TH): Tell me what you understand a fixed-route transit stop to mean?

GREG KIRSCHNER: I'd be happy to, I don't know how much weight it will carry. My commonsense reading of that would be something like a train station or a bus rapid transit line, those would seem to me to be fixed transit stops since bus stops are subject to change.

REP. DUBITSKY (47TH): And so if there is a bus stop in my town, do you put a pen and that bus stop and you draw a circle half a mile around it and then within that local zoning it doesn't count anymore with regard to multifamily housing?

GREG KIRSCHNER: No, I certainly wouldn't do that, no.

REP. DUBITSKY (47TH): Isn't that what this bill does?
GREG KIRSCHNER: I think the bill seems to be a placeholder, so it is not clear to me that that's what the bill does. You asked what my reading was, and my reading is that it would apply to train stations or busway stops like a long the busway from Newbury into Hartford, but not to neighborhood but stops which don't seem to me to be fixed, because they are subject to change and subject being hard to find, as someone who uses the bus on occasion. So that's my personal reading, but as I said, I don't know how much weight that carries.

REP. DUBITSKY (47TH): Okay, and you would support that?

GREG KIRSCHNER: I think that makes sense, yeah.

REP. DUBITSKY (47TH): Okay, so if there is a bus that comes through—well who establishes where all these fix route transit stops are?

GREG KIRSCHNER: Again getting somewhere outside my area of expertise, but I believe they be established by the Department of Transportation. So, you know, some of them would be self-evident, the bus station in Berlin, the bus stop that is outside of the train station in Berlin, the train station in Meriden, you know, those come to mind as fixed route. The stops along, as I said, the busway between New Britain and Hartford, which seem to be fixed route and they pinned established by legislation I guess, I don't know exactly who was responsible for establishing where those are.

REP. DUBITSKY (47TH): And is a your understanding that a half-mile around those stops that you just mentioned you can't put in multifamily housing?
GREG KIRSCHNER: I believe there are some situations where that is the case. I know, it may have expired by this time, but at one point in time Newington imposed moratorium on any development around their bus--the stops along the busway, and I believe that there are jurisdictions in Fairfield County to have restrictions a multifamily housing that may be affected by this who are served by Metro North.

REP. DUBITSKY (47TH): Okay, because you can certainly imagine that in areas like out in Eastern Connecticut where you can have a busway that goes through, a bus line, you set up a bus stop and a half a mile radius around that bus stop could basically be half of the town, and suddenly you would say that there's no longer any right by the town to regulate multifamily housing simply because now there is a bus stop there. You can imagine why there be some objection to that, wouldn't you?

GREG KIRSCHNER: That's not my reading of the bill, but again it is not particularly detailed, but I can certainly understand why people would want clarification on that, sure.

REP. DUBITSKY (47TH): Okay, thank you very much. I appreciate it. Thank you Madam chair.

REP. MCCARTHY VAHEY (133RD): Thank you Representative. Are there questions from members of the committee? Representatives Zawistowski.

REP. ZAWISTOWSKI (61ST): Thank you Madam chair. I'd just like to follow up on Representative Dubitsky's questioning. What is your read of this bill?

GREG KIRSCHNER: you and all your My reading does not extend beyond the text of the bill that multifamily housing would be buildable by right
within a half-mile of the fixed transit stops. It strikes me, and again this is just my opinion, that it is geared towards, you know, what's really I think understood in the 21st Century to be important that we develop housing around transit, that that is important to a vibrant economy, and it is something that is very desirable particularly by the fabled millennial's who everyone seems to want to attract for our future workforce development and future economy, so that's my understanding of the bill.

REP. ZAWISTOWSKI (61ST): Thank you. I think that's kind of what Representative Dubitsky was kind of alluding to, so I wasn't sure if you were reading something different from it, but thank you very much.

GREG KIRSCHNER: Sure.

REP. MCCARTHY VAHEY (133RD): Thank you representative. Senator Cassano followed by Representative Delnicki.

SENATOR CASSANO (4TH): Thank you Madam chair. It's obvious if this bill is moving forward that we need to clarify the definition of "bus stop." We have a train station right downtown, it is very understand to know what that is, it is a block from me, we know that the transit center. The Newington line, as an example, we know what is there. I have what is called the Silver line and the Burnside line where the buses every half hour go by, and there is a sign that says bus stop and people get on those every day. I have absolutely no believe that those bus stops are included in this. Ironically if we can only build one of these places, we will put one of those bus stops there to serve those people that move into that new housing, that's how it works.
So, I think as a committee we need to, as this moves forward, specifically define what a bus stop, sort of the local stops that go from Manchester to South Windsor to Vernon and so on are not confused with something where 1000 people a day come in and park their cars and go to work.

REP. MCCARTHY VAHEY (133RD): Thank you Senator. Representative Delnicki.

REP. DELNICKI (14TH): Thank you Madam chair. Would, and I'm just thinking outside of the box here, what a commuter lot constitute that kind of a stop?

GREG KIRSCHNER: Just for the record, I'm a civil rights lawyer, so I'm not--I don't have a degree in transit.

REP. DELNICKI (14TH): So you probably should have mentioned that though.

GREG KIRSCHNER: You know, what my concern is that we make sure that any housing that is built is available to everyone regardless of protected class status and income. You know, I think that is something that would need to be flushed out, and frankly it seems to me that commuter lot would probably be one of the least controversial places that might be covered because they are generally located in places that people don't care about it because they are located along highways or near highways, but, you know my experience with commuter lot is not extensive, so.

REP. DELNICKI (14TH): Well you know it's interesting that you make that comment because you'd be amazed at the locations were commuter lots are, and you would be amazed if you look at what types of development, commercial development in many cases,
would go on by the commuter lot in the dilatory is the fact there would be in putting housing in a commercial area that quite frankly in a small town would be a tremendous bone to economic development.

GREG KIRSCHNER: I can honestly say I had to change a tire once in a commuter lot off of 84 late at night, and I felt like it was the loneliest place in the world, so that might be coloring my perception, but, you know, for what it's worth, again, you know, it seems to me a lot of this turns on the type of fixed route that's at issue here. So, you know, commuter lot buses typically just using the highway or using existing roads as opposed to a busway that is a dedicated bus route or rail line which is a dedicated rail line, so my commonsense reading of it is that this is what this is, but I think the drafters of the bill would have to dress that more detail.

REP. DELNICKI (14TH): Thank you for your testimony. Thank you Madam chair.

REP. MCCARTHY VAHEY (133RD): Thank you representative. I just like to go back to the 6352 testimony, and I hurt your concerns clearly about 8-3F, and if I'm not mistaken you were also expressing concern about 8-3E as well, am I correct in that or can you clarify that for me?

GREG KIRSCHNER: Sure, the only concern was about the fact that 8-3F applies to 8-3E, and 8-3E the statute that talks about group home of six or fewer people, and so that just suggests to me that 8-3F is not really unnecessary bill or necessary law and may in fact run a file of the Fair Housing Act because it is regulating the small group homes for which
spacing is probably not a real concern in terms of over concentration.

REP. MCCARTHY VAHEY (133RD): So, to follow up we heard an earlier testifier who suggested repealing 8-3F. It sounds like you might concur with that?

GREG KIRSCHNER: I would. I have not spent as much time with 8-3F as perhaps I should have in my professional life before this bill came up, but looking more closely at it, and specifically again how it applies to the small group home situations, it does not seem to advance a crucial government interest, which is what the test would be for whether or not it is sustainable under the Fair Housing Act.

REP. MCCARTHY VAHEY (133RD): Thank you, and I appreciate your commentary, and the fact that you were here earlier to hear that testimony. I think that the focus there was on getting clarity as opposed to, you know, what and where, but I appreciate your remarks, and if there are no further questions, thank you for being here today.

GREG KIRSCHNER: Thank you.

REP. MCCARTHY VAHEY (133RD): Next on the list is Ben Shaiken followed by Raphael Podosky. Welcome.

BEN SHAIKEN: Thank you Representative, things for having me. Good afternoon Senator Fasano, Representative McCarthy Vahey, Senator Champagne, representatives Zawistowski, and distinguish members of the planning and development committee. My name is Ben Shaiken I am a manager of advocacy and public policy at the Connecticut Community Nonprofit Alliance. We are the statewide organization that represents nonprofits, and nonprofits, as you all
know, deliver essential services to more than half a million people each year in Connecticut and employs almost 14 percent of Connecticut workforce.

I'm here today, hopefully briefly, just to add my voice in support of House Bill 5352, in the intent that I believe that it has, I know it is a little vague in the concept language that is before you, and you've heard some different testimony today with the different opinions about the section that is hoping to amend, which is chapter 124, section 8-3F, which reads that community residences for people with intellectual disabilities and childcare residential facilities, both of them, no community residents are childcare residential facilities established pursuant to section 8-3E shall be established within 1000 feet of any other such community residence.

Currently that 1000 feet is undefined, and I believe the intention of this proposal is to add some definition to that thousand feet, and that is what we support. I want to make very clear, the alliance was very strongly oppose any further restriction on distance between community residences, but because the thousand feet is undefined in the statute, it tends to be measured kind of as the crow flies or the most direct path between two points. So for hypothetical example, community residences could be two miles away from another one by street, but 900 feet across the lake in a totally different neighborhood, and right now it would be, those two residents would be, prohibited to be established without going in front of a municipal zoning authority, and so this bill I hope will clarify, and I think Representative Petit's intention, not to speak for him, but I think he talked to this with
Ann Ruwet earlier today, that the thousand feet is by street or by public access, we are sort of defining it by walking or driving distance, how someone would actually get between the two points.

I will also say that the alliance thinks, you know, ideally the committee should consider eliminating the 1000 foot requirement altogether. It only applies to certain kind of community residences that serve people with the particular kind of disability or children. It doesn't talk about other kinds of community residents, and those people, all of those people, all people with disabilities have a right to live wherever they choose, and those rights are protected from local zoning by 8-3E, states that no zoning regulations shall treat community residences different from any single-family residence, but we think the technical change that we believe Representative Petit is proposing here would allow more people with disabilities to live in community integrated settings and will make a less restrictive environment in the State of Connecticut for these residences to be developed. Thank you for your consideration, and I hope you all take this bill up.

REP. MCCARTHY VAHEY (133RD): Thank you very much Mr. Shaiken, are there questions from members of the committee? I just like to thank you for your clarity and your seeking clarification, but the bottom line is that you would like to seek support particularly for those with disabilities to be able to live wherever they choose to live.

BEN SHAIKEN: Thank you.

REP. MCCARTHY VAHEY (133RD): Thank you. Mr. Podosky is next followed by Elizabeth Holt. Welcome.
RAPHAEL PODOSKY: Thank you very much. My name is Raphael Podosky. I want to say that I'm here on my own behalf and not on behalf of any particular organization. I'm here to testify on House Bill 6552, it is a bill dealing with exceptions to preserve—to protections for historic buildings in historic neighborhoods. It is been helpful in looking at some of the testimony to see that the proposal, which I gather comes from the town of Windham, is actually much, much narrower than what the proposed bill seems to make it sound, and that is certainly helpful right off the bat, but I, nevertheless, think that the bill is not a good idea, and I would still oppose it even in the narrower form that it was presented by the town of Windham.

For me the starting point is that the existing law provides as a basis for demolition, even for historic buildings, if there is no feasible or approved alternative, and that has been applied numerous times in the courts, supplied in historic ordinances all the time. I was the drafter of a fairly unique historic preservation ordinance for Hartford, I was one of the drafters and also a member of that preservation board for some time as a city agency, and it is very common to apply that kind of a test as to what is feasible. The reason you want to do that, it is different from a comparative test. If it says welcome we get something—a better result if we took the building down we had somebody else develop something on the site, that's not—if you do that you're an end up tearing down all sorts of historic buildings. The test needs to be that there's no reason a possibility of, particularly the Bacon Building, of getting it back and use.
So, it seems to me that that ought to solve the issue. I don't know enough about the Windham issue to know why that is felt not to be good enough, but that would be my starting point. The second thing is we went through a long period when people saw older buildings that perhaps weren't in in such great shape as a huge block on economic development, on revitalization.

In the last 20 to 30 years people have come to understand that those buildings are actually the very drivers of revival in many, many communities including urban communities that may not be as prosperous as what we would like them to be, and a number of programs have been developed, tax credit programs that are designed to recognize that the initial kind of balance sheet of doing development is not as favorable as what we would like to be, so the sources that are often available, that can help equalize that make it more possible.

The third thing that I want to say is, and this comes out of my experience in Hartford, sometimes you have to be patient with this. I don't know if you're familiar with the Hartford Building in Hartford, it's five or six blocks from here, that was a building that sat vacant for a very long time trying to find somebody who could successfully develop it, and now it is a beautiful building used for residential purposes. [Inaudible 04:23:20] was a little bit different but that was a building where the Environmental Protection Act was used to prevent a demolition that would otherwise have occurred.

So I guess I would, even in a narrow version, I would still oppose this bill as being potentially pretty damaging, and if it is anything like the
proposed bill, it should absolutely be off the table.

REP. MCCARTHY VAHEY (133RD): Thank you for your testimony today. Are there questions from members of the committee? Seeing none, thank you very much for being here today.

RAPHAEL PODOSKY: Thank you.

REP. MCCARTHY VAHEY (133RD): Next is Elizabeth Holt. Okay. Next is John Guszkowski, and he will be followed by Isabel Blank. Welcome.

JOHN GUSZKOWSKI: Thank you Madam Chairman, Chairman Fasano good to see you, members of the committee. My name is John Guszkowski, I am a professional planner employed by CME Associates based in Stores, and I’m here today representing the Connecticut chapter of the American Planning Association. We are a membership organization of your town planners, regional planners, planning consultants, landscape architects and attorneys across the state. I am here in part to reintroduce ourselves the committee under new leadership, and we are happy to be of service to the committee. As professional planners, we have the best interest of Connecticut at heart. We offer ourselves as an ongoing resource to the planning and development committee.

We submitted testimony on five bill. I will not read them, I will sort of do 10 sentences about 5 bills, rapid fire recap, particularly about a couple of the bills that did not get a lot of attention today in the public hearing.

The first bill is 522, concerning alternate members of planning commission, we are in support of this given that the statutory jurisdiction of the Zoning
Board Of Appeals and the Planning Commission are sufficiently divorced, that there shouldn't be any conflict in allowing members of the DBA to be alternate members of planning, but one caveat to that is that this bill should be absolutely clear that it is for separate stand-alone planning commissions only. In many towns you do have a joint Planning And Zoning Commission, and in those cases a Zoning Board of Appeals member should not sit on the joint Planning And Zoning Commission because there's too much opportunity for conflict of interest there, or they would essentially be in the position of writing and providing relief from their own regulations, so we do not feel that this is a good idea, but if it is just the stand alone planning, that we would support.

Second bill is 5229, defining advertising signs for the purposes of municipal zoning regulations. We would oppose this given there was a Supreme Court case, the US Supreme Court case back in 2015, Reed versus the town of Gilbert, the city of Gilbert, Arizona where the Supreme Court quite clearly stated that the regulation of signs needs to be content neutral. So it doesn't matter if it is a political sign, or an advertising sign, or an informational sign, the municipality should just regulate size, location, illumination, placement, and that sort of thing, but to define an advertising sign against the political sign or some other content is inappropriate and extremely difficult. So, we oppose this legislation and would in fact recommend that the General Assembly consider removing the word advertising from section 8-2 of the zoning regulations entirely, and just affirming that zoning commissions have the right to regulate signage,
again in terms of size, placement, illumination, and that sort of thing.

Third, and again I apologize for the rapid fire approach, 6756, concerning open space preservation and cluster developments. I listen to a lot of the back and forth on this earlier today. We feel that this legislation is completely unnecessary. Currently minutes the Pope planning commissions and zoning commissions have broad statutory authority to define open space and to identify percentages, to identify the resource to be preserved, and so this is not a state problem. If the community is not happy with the formula for open space, they have broad statutory authority, change it. I know my time is up. I'd be happy to answer questions. I have two other really good pieces of legislation to talk about.

REP. MCCARTHY VAHEY (133RD): Thank you, yes. I wonder if any members of the committee have any questions for our witness about any other bills that may be before us? Senator Champagne.

SENATOR CHAMPAGNE (35TH): What are the other two bills that you're talking about? [Laughter]

REP. MCCARTHY VAHEY (133RD): Thank you Senator Champagne.

JOHN GUSZKOWSKI: Thank you Senator Champagne, and my wife, as a proud graduate of Rockville High, thank you for the additional time. Okay, so the fourth is House Bill 5123, concerning eminent domain for commercial purposes. We oppose this legislation, again, this is drawn out from the 14-year-old Kelo Case. Our recommendation here is not to tie municipalities hands. The Kelo Case and all eminent domain takings must meet a very high bar of public
use. So it's not simply a matter of, well, you know, a developer wants it so the town will put their thumb on the scale and take it for the developer, there's is extremely high bar of public, and a public planning process to determine that public use that the city of New London and the New London development agency went through, which is why they were affirmed.

I don't necessarily want to affirm the process that New London used in the way they went about it that resulted in the court case, but there was a strong determination that it was a public use, which is why the eminent domain was allowed to continue, so we would oppose this legislation for unnecessarily tying municipalities hands when the public use standard is sufficient.

Next, with your indulgence, House Bill 5273, concerning as of right multifamily housing zones. Whereas we have great respect for Representative Lamar and are heartened that he continues to push this topic for, and we strongly believe that the state does need more housing options, particularly multifamily, particularly affordable, and particularly in transit oriented areas. We oppose this bill's approach, the blanket approach, not least of which because there is almost no language, and as we talked about, there is almost no definition of what a fixed transit station is, no discussion of density, no discussion or consideration of existing buildings, no consideration of public utilities, sewer and water lines. There is a great deal that is left out of this that makes it very problematic, and we would not recommend moving forward with it in this form without a great deal consideration, and what we
would recommend instead is that you already have them good laws on the books, most recently Public Act 17170, which requires every municipality to update a five-year affordability plan. There's not really any teeth and that, that may be coming to your committee later or to the housing committee later, but we would encourage you to focus on that law and providing resources to municipalities to give them more tools in understanding of how best to plan, and particularly how to zone to encourage multifamily and mixed units at higher density in transit oriented development area. So, again, we would oppose this in its current form. It is far too broad in its solution.

In conclusion I would be remiss if I didn't echo Professor Bronin's testimony on House Bill 6552, concerning historic preservation exemptions. We strongly agree that this is essentially and encouragement to demolish by neglect. Thank you for the extra time, and I'm happy to answer any questions.

REP. MCCARTHY VAHEY (133RD): Thank you Senator, thank you for those answers. Are there other questions from members of the committee?

Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you Madam chair. Thank you for coming in, and thank you for rushing through all of these bills, I appreciate it. Wonder if you could touch on the 756, now you indicated that it's not necessary for the state to get involved, that towns can do that. Can you expand on that? What power do the municipalities have with regard to the formulas?
JOHN GUSZKOWSKI: Right, so this cluster development that it is referring to in Title 8 is specifically section 8-18 of the general statutes, which is the planning commissions jurisdiction. Cluster developments is a subdivision, it's part of the subdivision statute, and the makeup of a subdivision regulation, including this definition of open space, what the open space priorities are, how wetlands are treated as a percentage of open space, all of that falls under the authorities of the planning commission to determine their own subdivision regulations, and a number of communities do it in a bunch of different ways, and if it's not resulting in a sort of development that the town wants to see, picture regulations. It's entirely within their jurisdiction.

REP. DUBITSKY (47TH): So, if you're feeling that they needn't come in and create a one-size-fits-all to allow the municipalities to make their own decisions as to whether or not to include wetlands in a cluster housing formula?

JOHN GUSZKOWSKI: Yeah, I think that's precisely our position. You know, in some towns wetlands may be the highest preservation priority for storm water, for habitat, and it could be that the committee says yeah we want to preserve the wetlands, it's our heart asp ery, throw all of your open space into the wetlands, that's their right. Other communities might say, well we really want to preserve the farmland, so when we're saying land are to be preserved under property in which ought not, you know, highly productive agricultural might be conservation party, and so that, in order to sort of put their thumb on the scale, could say wetlands are excluded from open-space calculations. Some
communities do that, the town of Woodstock it's very strong at preserving their farmland soil in that way.

Certainly that could create problems at an individual development level where if you are preserving all of the good soils, the well-drained soils for septic systems for instance, and the Wetlands Commission and the DEP is basically saying, you know, thou shalt not develop in wetlands, a developer could be hemmed in a little bit, but again that is sort of a designers problem, and engineering problem, and it's a local regulatory problem which is, I think, where it should remain.

REP. DUBITSKY (47TH): Thank you. There are couple of the things that I could comment on, but in the interest of time I--what is the organization you are with again?

JOHN GUSZKOWSKI: The Connecticut chapter of the American Planning Association, we're essentially the Connecticut Association of professional planners.

REP. DUBITSKY (47TH): Thank you. Thank you Madam chair.

REP. MCCARTHY VAHEY (133RD): Thank you Representative. Representative Zawistowski followed by Representative Delnicki.

REP. ZAWISTOWSKI (61ST): Thank you Madam chair. Thank you for coming in today. Your comments on 5123, which is the eminent domain, do you recognize or does your organization recognize the difference between public use and public purpose and eminent domain?

JOHN GUSZKOWSKI: I am not a legal expert that would be able to give you that distinction. What I would
refer you to is in our written testimony we've included an excerpt from the American planning Association, which is our parent organization. Their amicus brief that they submitted to the Supreme Court in the Kelo decision, and they refer to public use, that's what we're resting our argument and what the amicus based on, but I am not savvy enough illegal scholar to tell you the difference between that and public purpose.

REP. ZAWISTOWSKI (61ST): Yeah, I'm not a lawyer either, but I did read information about the Kelo Case, and I understand that the core of the matter, when it got to the Supreme Court, was that public views, which is constitutional, was being confused with public purpose. Public use would be something like highways, roads, bridges, think transportation, anything to be used by government, whereas public purpose could very well be just to generate more tax revenue or more jobs, and that's really what I have the issue with I don't mind tying the hands of the municipalities if it protects program property rights--if it's something that's going to be transferred to another private owner mainly to increase tax revenue, and I think that is one of the protections that I think you need since the State of Connecticut has not done anything to protect itself since the Kelo decision. You know, this is ground zero for it, and it's time to have that conversation.

JOHN GUSZKOWSKI: I agree that it's troubling, and at times I have problems with the decision myself. It is my sense that the bar is very high and particularly given the extensive public process that was undergone in the Kelo process, this was an extensive years long planning process. It wasn't
sort of arrest decision, again a deal developer kind of whispering in someone's ear and saying, here take this property for me, there was an extended process, and again in the age of diminished resources for municipalities and economic competitiveness, particularly in the age of public private partnerships, again I would say we don't want to entirely cut up avenues of development for municipalities who determined that this is a public use, and again we believe that is a pretty high bar.

REP. ZAWISTOWSKI (61ST): Yeah, one of the reasons I think, timing wise, I wanted to bring this up was because it has been discussed in transit oriented development, and I want to make sure that homeowners particularly that live near these transit stop are protected and not have property taken because they can develop around it. I mean I just have a real issue with use of eminent domain for anything like that, but I thank you for your testimony and I appreciate you coming in today. Thank you Madam chair.

REP. MCCARTHY VAHEY (133RD): Thank you. Representative Delnicki.

REP. DELNICKI (14TH): Thank you Madam chair. You certainly touched on a cornucopia of proposals here, and I would like to go back to 522. Now it's your opinion that you are in support of 522, AN ACT CONCERNING ALTERNATE MEMBERS OF PLANNING COMMISSIONS?

JOHN GUSZKOWSKI: Correct.

REP. DELNICKI (14TH): Do you ever see a situation where an alternate member of the planning commission sitting for a member that is absent, sick, what have you, and the planning commission renders a decision
and then the zoning Board of appeals hat goes on a year or two later, and now somebody comes to the zoning Board of appeals with the hardship pertaining to the decision rendered by that member of the planning commission, at the very least wooden the individuals sitting on the zoning board of appeals have to recuse themselves because of the conflict of interest? Because now they're making a decision on a hardship based on a decision they made in the planning scenario.

JOHN GUSZKOWSKI: So, narrowly speaking no, that would not happen because, again, a planning commission, a stand alone planning commission is responsible for two primary things, one is drafting the plan of conservation and development, and the second is managing the subdivision process, which is separate from zoning, and a subdivision could not--so the only decision a planning commission could make that would affect a property owner downstream or an applicant downstream, would be the subdivision of land. A planning commission would not be able to subdivide a piece of land in such a way that it would violate zoning regulations. They can create that hardship for the property owner.

REP. DELNICKI (14TH): Let's back up. You made the statement correctly that a planning commission would make recommendations for the plan of development. The recommendation nations that the individual supported become the law of the land of the town when it comes to zoning, and again those actions on the planning commission coincide zoning being changed to facilitate those actions, and again I go back to the--now the individuals sitting on the zoning Board of appeals, somebody comes with a hardship, that individual, for whatever purpose
voted in favor, made the comments, rubberstamped it, what have you, and you don't see that as a conflict of interest based on, you know, you got 1 degree of separation and that would be the plan being accepted by the planning and zoning.

JOHN GUSZKOWSKI: I definitely understand what you're saying. The thing I would say to that is that the plan of conservation development is not a regulatory document any recommendations it makes, boy, it would be great. As a town planner who works with the planning commission, trying to get a zoning commission to do what the plan of conservation and development says, I would love that if the zoning commission implemented all of the recommendations of the plan of conservation and development, that rarely happens, and it, again, the POCD is a guidance document, and changing of zoning regulations is a discretionary decision.

The zoning commission is not forced to change regulations on the basis of the plan of conservation and development. They are to consider it, and they ought to try to implement this in order to move the town down that road, but a zoning change, which is the zoning commission discretion is discretionary. It's not prescribed by the plan of conservation and development. So there is--I see the path you are making, but it is at best the dotted line and not a solid line.

REP. DELNICKI (14TH): But again we got that situation where the planning commission is making recommendations, planning and zoning accepts those recommendations, and now down the road you got the situation where a person is called upon sitting as a member of the zoning Board of appeals that already made the decision on the planning commission that
they thought this was a good idea, and then there is a hardship. I'm just throwing that out there because quite frankly to me it would be a conflict of interest, only from the standpoint that you try not to err on the side of putting any kind of clout over your decision, and if the planning document was accepted by the planning and zoning, or any part thereof that then came before zoning Board of appeals, that would not be a conflict?

JOHN GUSZKOWSKI: Well, again, I want to really reinforce that if we're talking about a joint planning and zoning commission, I'm completely on your side.

REP. DELNICKI (14TH): No, I'm not talking joint, I'm talking the recommendations are accepted.

JOHN GUSZKOWSKI: Right, yeah--you know, I think, you know, if you got into that--I think you're talking about one in 1 million situation where there was a specific zoning recommendation adopted by a separate body on the basis of the recommendation of the planning commission that creates a hardship for someone, and again, I'm getting into the legal weeds here, but hardships are really, really rare, true hardships are really, really rare. So if you had that sort of unicorn case where you could really, you know, planning commission or cast the deciding vote and the zoning commission said yes on the bases of this guy's recommendation, we're changing the zoning regulations that way, and then it goes to the ZAB, in that case, yeah maybe that zoning Board of appeals member should probably step back, but balancing that versus the need-- the rarity of that, and the need of many small town draw from an extremely shallow pool of potential commissioners, I think that we would lean on the side that is really
unlikely to happen, and it is more important to get good people on commission where there is unlikely to be a conflict.

REP. DELNICKI (14TH): I certainly thank you for your testimony. It's an interesting conundrum when you think about it. Thank you Madam chair.

REP. MCCARTHY VAHEY (133RD): Thank you Representative. Just an observation just from listening to the conversation, I think the bill is being proposed in part because it is difficult to find people to fill the positions, and certainly it's something more we can do more to help support in our local communities, but it also strikes me that the Zoning Board of Appeals is--they're not making the law, they are ruling within, in your concern is essentially there is a law that is being made, but if it's a separate planning commission it's actually the zoning board that is creating the law if I'm--does that sound right to you?

JOHN GUSZKOWSKI: Yeah, that's how I understand it as well.

REP. MCCARTHY VAHEY (133RD): Okay. Any other questions from members of the committee? Thank you so much for all of the information that you provided today. We look forward to continued conversation with you.

JOHN GUSZKOWSKI: Thank you for your time.

REP. MCCARTHY VAHEY (133RD): Next up is Isabel Blank followed by Dale Plummer. Welcome.

ISABEL BLANK: Thank you. Good afternoon distinguish members of the planning and development committee, my name is Isabel Blank, I'm the manager of external affairs at the Yankee Institute for Public Policy,
I'm sorry my voice sounds like this, and I'm testifying in support of House Bill 5123 and in opposition of House Bill 5273. The 2005 Kelo versus New London decision created an expansion of eminent domain abuse across the country, and consequently 43 states have won their laws in order to tie in eminent domain abuse including Connecticut.

Unfortunately, loopholes still exist. House Bill 5123 should work to close them and I would like to recommend language. Firstly, public use should be defined as intended in the U.S. Constitution, owned by or open to the public, like roads, public buildings, and public utilities like we talked about earlier today. This definition will narrow presently broad wording to better ensure that eminent domain is used for necessary projects that do benefit the public.

Next the definition of blighted properties should also be tightened. We recognize that blight is a serious concern in the state, but it is important that we have sensible and cohesive definitions for blight in order to protect the private property of our residents. In some of our municipalities the property may be considered blighted due to overgrown grass or weeds, unpaid driveways, or accumulations of trash. The definition of blighted properties should apply only to buildings that violate codes affecting safety and public health. A town should not be able to sue the home due to cosmetic appearances.

If the state wants to improve bad neighborhoods or develop these areas, it must do so in ways other than eminent domain. By lowering taxes, removing regulations to make starting a business easier, or by fairly buying the land. Major developments
routinely succeed without eminent domain, and there is no reason for the state to commande citizens' private property to do so. Susette Kelo lost her little pink house, so let's make sure no one else loses there's, that's why I urge you to pass 5123.

As for House Bill 5273, unfortunately this room is familiar with bills like the one before you today. Governor Malloy attempted in 2015 and 2017 similar legislation that also created a municipal authorities the power to condemn private properties and borrow money to meet his goal. Thankfully both of those efforts ultimately failed, and while this bill does not explicitly establish any new authority like the preceding bills, it raises the same concerns surrounding eminent domain in the bypassing of municipal law. Just how individuals are best equipped to make decisions for themselves and their family, municipalities are better equipped than the state to make the right decisions for themselves.

The state would create a terrible precedent by asserting themselves over huge portions of small towns, circumventing a municipal law, and forcing zoning changes. This not only cedes municipal zoning rights to the state, but opens the door to even more cessions. If the state begins overriding zoning laws, it will soon be tempted to intervene directly in municipal government more regularly, entirely undermining the position of responsibility and focus that the state has historically relied on.

We must protect the autonomy municipalities still have so they can best serve their residents and protect them from state overreach. For these reasons, I urge you to oppose House Bill 5273, and I will answer any questions you might have.

DALE PLUMMER: Thank you. I'm the city historian of Norwich Connecticut, also the president of our local historic preservation group, Norwich Heritage Trust. I did email you testimony earlier, but I would like to just add briefly to that after hearing the discussion about 6552, a proposed act to make changes to the historic preservation regulations exemptions. I would like to strongly oppose this proposed bill for several reasons, and I will give you an example. Norwich is a distressed community, downtown Norwich is probably in many ways similar to Willimantic, it might be a little bit larger but it is still a relatively small area.

I did this architect survey in 1981 that gave the information that allowed us to put downtown Norwich on the national register of historic places in 1984. Now that declination gives the historic properties within that district the potential of being rehabbed using federal tax credits and now state tax credit, so it's actually a substantial advantage. I would just speak briefly about to buildings similar to the buildings that are being discussed in Willimantic, the Wauregan Hotel and the Reid & Hughes department store, both in downtown Norwich located across from each other. Wauregan Hotel had a fire in 1989 after which it was condemned, and it was 15 years before restoration work began on the building.

It necessitated our calling, the citizens of Norwich Heritage Trust going to the State Historic Preservation mission and requesting relief from the
proposed demolition by the City of Norwich. The same process which Windham is attempting to circumvent with this legislation. The result was that the Historic Preservation Council, or commission at that point, decided that it was unreasonable for the city to demolish this building, especially since we had a qualified developer willing to work with the city to develop the building. It took an additional four years for the city to finally agree to its development. This proposal would mean the demolition of the Wauregan. The Wauregan is a $21 million project, has 70 rental units, it has right now an art gallery, two restaurants, laundromat, and a bridal shop. The ballroom has been restored. The other night they had a gala for raising funds for events in the downtown. That would not have happened if this legislation gone through or been in effect.

The Reid & Hughes Building vacant since 1986, similar case, actually in this case the city acquired the building in 1993, 26 years ago now, and we had to again after the Council voted to demolish the building go to the State historic preservation Council and request a stay of execution, again we found the developer, the women's Institute for housing and economic development willing to work on this building. The result has been that of development agreement has been signed, the women's Institute has taken over the building and then work on the building. A $6.5 million project which would not have happened with this legislation being effective. Thank you.

REP. MCCARTHY VAHEY (133RD): Thank you Mr. Plummer and thanks for sharing that good news about some pretty exciting projects in your community. Are
there questions from members of the committee?
Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you Madam chair. Thank you for coming in. As one of the three representatives who represent Norwich I congratulate you on the work that is being done there. Norwich is absolutely on the up rise, and in no small part to the wonderful buildings that are there, historic buildings that are now thankfully being renovated after all these years. I saw on the website about the ballroom at the Wauregan Hotel, and now apparently the Reid & Hughes Building is starting to--there's a plan for it after all these years, so to buildings that have been kind of a thorn in the side of the residence in the city for years are now coming back and will become productive members of the Norwich downtown.

DALE PLUMMER: Yes, and if I could just add, had you gone into both of these buildings before work started, the conditions were probably worse than were being described by the representative from Windham. The lobby in the Wauregan had partially collapsed, there were collapses that two corners, and yet the building was capable of restoration. I'm sure it was in worse condition than the Hotel Hooker.

REP. DUBITSKY (47TH): Well, you can also look at mill buildings around the state that have stood for decades in disrepair and are now starting to come back, the mill in Taftville, Ponemah Mills, one of the largest mills in the world was incomplete disrepair for decades with the [inaudible 04:57:03] about to fall in, and now the place is gorgeous.
DALE PLUMMER: Yes, exactly and I think really contributing to the economic revitalization of the village of Taftville.

REP. DUBITSKY (47TH): Thank you for coming.

DALE PLUMMER: Thank you.


MIKE GLIDDEN: Good afternoon. I'll introduce myself, my name is Mike Glidden I'm the vice presidents of the Connecticut Association Zoning Enforcement Officials. You received testimony from our group on for bills, but I am just going to speak to three of them.

The first bill of House Bill 5229, defining advertising signs for purpose of municipal zoning regulations. We as organization feel that really the solutions to the issues that you've kind of heard today is the leading the word advertising from 8-2A. the other concerns that some individuals have raised on this committee is the potential for regulating free speech signs. What we also suggested that at the end of 8-2A there are a whole host of things that zoning regulations or commissions cannot do, too at the following sentencing, such regulations shall not prohibit signs erected on a property intended to display one's freedom of speech. So then you'd have an exemption for political signs or other freedom of speech signs, but at the same time you with the issue that, you know, because of the case out of Milford where we have now been narrowly told
that unless it's an advertising sign, you cannot regulate it.

The example in our testimony is if you had a private school, a private school proposes a sign at their entrance, technically, due to this court case, they do not have to meet any zoning regulations for height, size, or location of the sign at the entrance of their campus, which otherwise they would be subject to those regulations.

The other bill that submitted testimony from us is Senate Bill 522. Just as CCAPA, we supported in the narrow communities that have a separate planning and zoning commissions. However in those communities where you have a combined planning and zoning commission, we oppose this. We also point out that if this were to move forward you should look at-- there's a slew of references in 812 that deal with the members of the Zoning Board of Appeals cannot appear before the planning commission and the zoning commission just because if it's going to change and allow for someone to serve on both boards you should look at that to.

The last bill that I'm just going to hit briefly and summarize is 5273, that is the act concerning as of right to family housing zones. We oppose this bill. Attached to our testimony is a map from CP Transit, and I apologize it is a little grainy, but all of the dots that are on the map represent but stops and if this bill were to become law basically area around each of these dots could be re-zoned now as of right for multifamily housing which is a concern because it sums communities you've totally re-zoned that area without anything put from the local community.
I'm employed by the town of Simsbury. I look at one of the locations on Winslow Place, which is a commuter lot that has a bus stop on it, now if you job a half mile radius around that you've now encroached into a local historic district. You have environmentally sensitive areas along the Farmington River, etc., so you've just--the impact that would be faced to these communities is just huge, and it really, it speaks to the bigger issue with housing options in the State of Connecticut where really--I know that there was the fair housing workgroup a couple of years ago that met and discussed some of these issues. I think we have to continue this conversation and CAZEO would love to be part of those conversations.

We were not invited to the table the first time around. We like to have a seat there if this were to go forward. So on that, if anyone has any questions.

REP. MCCARTHY VAHEY (133RD): Thank you very much for your testimony. Questions from members of the committee? Representatives Zawistowski.

REP. ZAWISTOWSKI (61ST): Thank you. Thank you for coming in too. I'll bring up some existing points, we were just speculating before also on this particular bill with the active right and whether or not it includes airports, which is something that I didn't think of until about five minutes ago, and so I just wanted to bring that up, because you have not only Bradley, but you've got Tweed, and you have very small municipal airports around as well.

MIKE GLIDDEN: Well, it's funny as we were sitting here earlier I was going through statutes to try to find fixed transits stops are defined in statutes, and it's not, so it's kind of open to
interpretation, and you're right, I mean, the community I work in we have a small town airport, one could argue that then around the airport, half mile radius that is now multifamily housing allowed. You've just taken away the last maiden chunk of my industrial zone property in my community.

REP. ZAWISTOWSKI (61ST): Yes, I live in East Granby so I go through there all the time, so I know exactly what you're talking about. Anyway thank you for coming in, I really appreciate it. Thank you Madam chair.

REP. MCCARTHY VAHEY (133RD): Thank you representative. Any other questions? Thank you for being here with us today.

MIKE GLIDDEN: Thank you.

REP. MCCARTHY VAHEY (133RD): I will go back to just be sure, Joe Comeau? He's still not here. Are there any other members of the public wishing to testify today? Please come forward and state your name for the record. Welcome.

FRANCIS PULLARO: Good afternoon. I am Francis Pullaro, I am the executive director of renew Northeast. Renew is an Association of environmental advocates, scientists, and developers of large-scale renewable energy projects. I'm here to oppose proposed bill 5889, which concerns the siting of certain solar facilities in Connecticut. The reason we oppose it is that this bill makes it more challenging to cite solar projects than it does for fossil fuel projects the State of Connecticut. We believe that they should not face--solar projects it not face any more challenging and more uncertain permitting process than those fossil fuel plants.
Today, large-scale solar projects are the least cost form of new generation in Connecticut. DEP just conducted a solicitation last year, and the price of the large solo project, which were actually paired with energy storage was 4.9 cents, and if you look at what the cost of new gas generation is in New England, it's the same for considerably less. So this is a very vital resource in meeting Connecticut environmental goals but also to help reduce Connecticut's electric rates, which are among the highest in the nation, and the reason we support keeping this control at the Siting Council is that the Siting Council is passed by statute under wisdom of this legislature docking to go with balancing some really important priorities for the state.

So it has to take on the one hand cost and the need to meet the states renewable energy goals, but is also tasked with looking at the welfare of the people of Connecticut and the citizens that live in these town, and we believe, and the reason why the siting Council was created, is that it's difficult for one town to consider all the interests of the people of Connecticut, and so there is a statewide siting authority, which is designed to ensure that statewide goals are met and properly balanced, and so with that I conclude my testimony. Thank you.

REP. MCCARTHY VAHEY (133RD): Thank you very much. Are there questions from members of the committee? Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you Madam chair. Thank you for coming in which you agree that the local towns often have little or no voice on where these major projects are cited within their boundaries?
FRANCIS PULLAR: I'm aware that developers routinely reach out to the towns way before they bring a proposal to the siting council, and from what I've seen in solar project development over the last 12 to 18 months is that developers that are my members have been very responsive to the towns and to neighbors. They change the layout of projects. They've moved panels from one area to another because of say is that it concerns. So, you know, I think if the town is looking for more input, and it has to be put into statute that the developer must consult, I think that is something that the developers would be happy to see.

In my opinion, I think they would agree that they'd be crazy not to reach out to municipalities way in advance, and I believe that's what they do. I know that it seems to be a matter of course now that the siting Council and its interrogatory to the developer about his petition asked if they preach that for the town, so I know the siting Council takes working with the town and working with the neighbors to be very important as well. So, I think if the legislature thinks that it's an adequate the way that's being conducted now without having firm direct clear statutory requirement when it comes to the declaratory ruling process, then I wouldn't, I can't speak for the developers individually, but I think in terms of environmental organizations and a development organization, trying to find harmony in this, I just know that of developers, the smart ones, and the ones I work with, are always talking to the town's first, because, you know, they see that there are things that they can do to make the project better. It is just going to ensure your chances of getting to the siting Council are much higher.
REP. DUBITSKY (47TH): Would you organization support having representatives from the municipalities on the Siting Council when they're considering projects within that municipality?

FRANCIS PULLARO: I think that would be something they would be very interested in considering. It's not something that we talked about, but again I think there needs to be, and certainly I think it is an 11 member panel, you know, you just have to make sure that there's not a veto of the town because these can be very challenging projects in the community. It's not just solar, its power plants, cell towers, substations, you know nobody wants these things in their town, and yet without it, you know, the lights don't go on, we don't have telecommunications, and a lot of important things in Connecticut, so it is pretty tough, but if having one seat reserved for the town I think, you know, it's not something where they can necessarily have a veto for project.

REP. DUBITSKY (47TH): Thank you. Thank you Madam chair.

REP. MCCARTHY VAHEY (133RD): Thank you representative. Any further questions? Thank you for your testimony and for sticking it out.

FRANCIS PULLARO: Thank you for letting me squeeze in here at the end.

REP. MCCARTHY VAHEY (133RD): Sure. Any other members of the public wishing to testify. There was Walter Morton, but he is not here. So with that I believe I believe I can take a motion to adjourn our public hearing. Motion by Representative Zawistowski, second by Senator Cassano. All in favor?
SENATORS AND REPRESENTATIVES: Aye.

REP. MCCARTHY VAHEY (133RD): Thank you very much for all of you staying with us all day today.