

Testimony in **OPPOSITION to HB-6570**  
March 8, 2021  
Jayme Stevenson, First Selectman, Town of Darien

Transportation Committee Chairman Haskell, Vice Chairmen Cassano and Simms and Ranking Members Somers and Carney. I write today in **OPPOSITION to HB-6570, AN ACT CONCERNING TRANSIT-ORIENTED DEVELOPMENT AND MUNICIPAL ZONING.**

**OPPOSE Mandated Development of Housing on State-Owned Transit Station Land:**

Municipalities, including the Town of Darien, understand and support the idea of “Transit Oriented Development” (TOD). If done well, TOD can enhance the vibrancy of neighborhoods around transit hubs and provide easy access to transit while enjoying a walkable lifestyle. When municipal market conditions are right, developers pursue opportunities for TOD as they have in Darien. Since 2011, the Town of Darien has approved, constructed and issued certificates of occupancy to over 510 multifamily housing units, 213 (41.8%) of which are “affordable” according to the state’s definition. In total, the Town of Darien has constructed or approved for construction over 866 multi-family housing units since 2000 with 31.4% of those units approved to be “deed-restricted affordable”. Nearly 100% of this approved housing is by definition “transit oriented” with hundreds of units in direct proximity to the Darien Station (116 units) and Noroton Heights Metro North Train Station (181 units) and along the Boston Post Road corridor.

Darien is the most densely populated small town in Southwestern CT. Building additional housing on state-owned land, over and above the 300+ units already constructed and/or approved, will create an overburdening of an already vulnerable natural ecosystem and insufficient roadway system in Darien. Any analysis of which state-owned properties to consider for further housing development must, at a minimum, include a comprehensive study of traffic, parking, flooding and drainage, environmental impacts, sewer capacity and public amenities analysis before being approved.

The routine flooding of the Boston Post Road and Leroy Avenue under the Metro North Railroad in downtown Darien and the historic flooding of the Noroton Heights commercial district are evidence that planned development must be balanced against impacts to the natural environment. Local firsthand knowledge of development constrains and impacts is essential.

**‘Inclusionary Zoning’ is a Positive Tool:**

In 2009, the Town of Darien adopted and continues to believe that Inclusionary Zoning Regulations are a valuable tool to help develop a positive mix of market rate and affordable housing. While the State has set a mandate that 10% of a town’s housing must meet the State’s affordability threshold, Darien’s Inclusionary Zoning Regulation requires a higher standard. Section 580 of the Darien Zoning Regulations require that any developer who develops five or more units of housing must designate 12% of those units as “affordable” as defined in Section 8-30g-8 of the CT General Statutes. I further note that the Planning & Zoning Commission is considering increasing that 12% standard over the next few months. Inclusionary Zoning is a positive tool in the affordability tool box, which has resulted in below market rate units created by the private sector. The State should provide *incentives*, not mandates, for cities and towns to adopt Inclusionary Zoning Regulations.

A link to the Town of Darien's Inclusionary Zoning Regulation can be found here: [http://www.darienct.gov/filestorage/28565/28567/28890/28910/AMENDMENT\\_22--Inclusionary\\_Zoning\\_Regs\\_COZR.pdf](http://www.darienct.gov/filestorage/28565/28567/28890/28910/AMENDMENT_22--Inclusionary_Zoning_Regs_COZR.pdf).

**OPPOSE As-of-Right (No Public Input) Development:**

HB-6570, if passed, will eliminate the public's right to provide comment on multi-family housing proposals within 50% of the land area around transit hubs. In Darien, this will increase housing density by 3 to 5 times in areas that have already seen (see above) a dramatic increase in housing development, in areas which already provide the most affordable single-family housing in the community. These are generally the smallest homes on the smallest lots. Silencing the voices of those who would be directly impacted by dense housing development is the opposite of a good democratic process and will only serve to increase the amount of litigation against and stall efforts to actually build more housing. Taking away local decision-making also eliminates accountability for decisions that negatively impact neighborhoods and communities.

The Town of Darien is a positive example of how the free market, not the force of government, is moving us organically to the same desired outcome while allowing the public to provide valuable input on matters of general community importance...open space, historic properties/neighborhoods, pedestrian/bicyclist safety, flood/erosion concerns, sewer capacity, ability to provide emergency services on a timely basis, traffic congestion and parking concerns. State statutes are clear about the very limited basis on which zoning applications can be denied. The process currently in place allows for proper public input without limiting the ability of Commissions to approve development.

**OPPOSE Elimination of Minimum Parking Requirements:**

Provisions must be made for at least a minimum amount of on-site parking for all multi-family housing developments to keep streets safe for pedestrians and bicyclists – a notable priority for the State Department of Transportation. It is misguided to think that people living in apartment buildings don't have cars...sometimes they have several cars. A not-to-exceed minimum parking standard is critical to maintaining safe streets particularly in communities whose roadway system is the byproduct of development since the time of the first settlers to Connecticut, like the Town of Darien. Market conditions support a minimum parking standard. The Darien Planning & Zoning Commission in response to recent legislative proposals is in the process of putting forth a zoning regulation amendment that would lower parking requirements for multi-family housing.

**Holistic Approach to Statewide Affordability Challenges:**

"Affordability" must be addressed by a variety of strategies, key among them, bringing business and higher wage-paying jobs to Connecticut by reducing burdensome and costly regulations and a regressive tax structure. Inclusionary Zoning regulations can help cities and towns maintain a healthy balance of market rate and affordable multifamily housing while maintaining a desirable market for developers without government subsidy.