

Name: KATHRYN BRAUN

Title:

Organization or Agency:

Topic: HB06890 - AAC QUALIFYING TRANSIT-ORIENTED COMMUNITIES.

Opposes

Testimony:

Date: March 15, 2023

To: State of Connecticut Planning & Development Committee

Re: OPPOSE House Bill 6890 “An Act Concerning Qualifying Transit-Oriented Communities”

Dear Committee Chair and members:

As a lifelong environmental advocate and current member of Fairfield Town Plan & Zoning Commission (although speaking only on my own behalf) I vigorously oppose HB 6890, which is a transit-oriented development (TOD) bill although it barely mentions the integral commercial/retail component of TOD.

The bill is in direct conflict with environmental priorities and jeopardizes a Town’s ability to protect critical water resources, preserve open space, greenways, wildlife corridors and habitat, and even wetlands protections (it seems to only protect tidal wetlands and not inland wetlands).

However, due to the bill’s lack of clarity and specificity, a Town cannot do its due diligence and be fully informed of the risks or benefits of opting in or not, until it signs on and gives away its ability to determine land use within the TOD or its impact on the rest of the Town. And once in it cannot exit or risks being forced by the Coordinator to return funds received.

Contrary to what the bill’s proponents tout, this is not a voluntary bill, because it contains a coercive threat that Towns may be blocked from critical state infrastructure, public health and environmental protection funds simply by not opting in.

There are perfectly valid reasons for a Town or city not to opt in, perhaps because (a) a town is too small or too rural, or a water company town, without sewer capacity and cannot sustain the bill’s density requirements and lack of environmental protection, or (b) a town is already implementing TOD without the need to commit to a program run by State officials with no knowledge of the Town’s specific needs and capacities.

The bill’s punitive threat is that by not opting in a Town’s infrastructure funding would be ‘deprioritized’ by Coordinator, belies the true nature of the bill, which is simply housing development without regard to impact on the local ecology. The threatened funds include discretionary grants supporting a wide range of infrastructure projects such as upgrading water and sewer infrastructure to meet State and Federal environmental and public health requirements, repairing local bridges and culverts, creating and maintain recreational trails, bike paths, and greenways, and remediating contaminated properties through brownfield remediation.

The bill also ignores provisions governing eligibility for funding which established by Federal law or other State goals. For example, under the Drinking Water State Revolving Fund, priority for funding is tied to a federal Social Vulnerability Index to ensure that funding is prioritized for the state’s neediest communities.

Once opting in, the Town essentially shifts its zoning responsibility to the State Coordinator, who can even determine if the TOD is not of a ‘reasonable’ size given statutory defined factors that the Coordinator will interpret.

Both oversight of the TOD's development and the Town's compliance would be under the decision making authority of the Coordinator with no provision for the public to attend hearings, have their voice heard, or make decisions on planning or permitting within the district.

Many of the terms are not well defined- such as 'minimum net density' which could be subject to the Coordinator's interpretation, and that would be done after the Town opts in and relinquishes control over land use decisions in the TOD.

Adjacent Towns would also be affected as the TOD and its associated dense development may impact upstream waterways, many of which are already impaired and subject to DEEP oversight. Adding density, especially without sewer capacity would be devastating.

It has been suggested that Towns could use community or advanced technology septic/sewerage systems to replace single home septic in areas without public sewer capacity. But the DEEP and DPH have recently informed the State Sewerage Working Group that they have neither the staffing resources nor any program to oversee updated sewerage systems such as advanced technology or community systems, and that there is a dearth of experienced Town sanitarians state-wide due to the currently ongoing demographic 'retirement cliff' in State and Town personnel.

The bill's focus solely on development while ignoring serious environmental concerns and removing local decision making and replacing it with non-environmental State officials authority is a threat to our environmental health. Smart growth and TOD can be implemented with a truly 'carrot' without the stick with information, guidance, funding, and no giving up of the local expertise of those who know their Town's needs and capacities.

Please vote NO on House Bill 6890.

Respectfully,

Kathryn Braun, Fairfield Resident