Dear Chairwoman Kavros DeGraw, Chairman Raham & Ranking Members and Esteemed Members of the Planning & Development,

Thank you for the opportunity to share my thoughts on HB 5390, An Act Concerning Transit-Oriented Communities and my opposition to pieces of the legislation. I am a member of CT169Strong, and I am also a planning and zoning commissioner in Fairfield.

For decades, transit-oriented development has already been a success story in Connecticut – created by the vision of scores of local towns and zoning commissions to attract new generations to move or stay in our great State. Many municipalities have taken the initiative and continue to develop and build upon TOD areas without needing State supervision or control, or the removal of local voices. In my town of Fairfield, we have developed TOD in partnership with developers and other stakeholders in the town to create walkable and vibrant communities. And we recently amended our zoning regulations to enable more density and mixed-use development in one of our TOD districts and passed a number of developments which include many affordable units. This was designed and customized to the exact needs and capacity of our Town.

Similar to the bill proposed by DesegregateCT last year, this would penalize towns that don’t opt-in by deprioritizing State discretionary funding including STEEP and brownfield funding. This means that Fairfield who recently got a brownfield grant to clean-up for a project in our recently enhanced TOD district would have penalized for taking the initiative. This harms towns that are already doing what this bill wants them to do.

Another major concern to me is that the bill would remove public hearings. This completely silences the residents of our State whose towns opt into this bill.

I have environmental concerns as well. Although the bill would have wetlands agencies have input into the size and location of the TOD, this does not go far enough to preserve natural resources and environmental health.

1) The actual footprint of the transit-oriented communities area is subject to the coordinator’s oversight and final approval.
2) Land that is not regulated by wetlands agencies, but should be preserved, will be subject to “as of right” highly dense development with no requirements for open space preservation.
3. The bill does not specifically preserve coastal areas that require a greater degree of natural space preservation to enable tidal marshes to migrate landward as the sea level rises – this should be a specific provision in this bill. Many transit areas are situated on the coastal shoreline.

Once a town opts in, it relinquishes control to a combination of developers and the State coordinator. No public hearings would be allowed on any development activity in the TOD. Middle housing could be as large as 9 units. Worse it allows an 8-30g development without a public hearing. On my commission, 8-
30g hearings are well attended and many issues are raised by the public. Even in a TOD district, public hearings are necessary for good decision making and for being good stewards of our land. I have environmental concerns as well. Although the bill would have wetlands agencies have input into the size and location of the TOD, this does not go far enough to preserve natural resources and environmental health.

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The State of Connecticut is falling short of its goal in the State Green Plan of preserving 21% of all land mass as permanent open space. Towns are responsible for half of that preservation figure and it is increasingly difficult to preserve the open space we have left in the face of development pressure and laws that incentivize development. A bill like this jeopardizes our ability to preserve our land.

HB 5390 raises a number of concerns if it were to be passed in its current iteration. First, it is vague as to the requirements of housing density and to the number of housing units of development that would be required. Not every town can handle unlimited development, especially on our coastlines. The wording of HB 5390 contradicts itself -- It states that it would leave the decision making up a community’s planning and zoning commission, yet also says that the final arbiter would be the State’s Responsible Growth Coordinator within the Office of Policy and Management. This in effect means that the state would be in charge of a municipality’s destiny and future development -- not local town bodies who reside in the community. As a zoning commissioner, we often rely on voices from neighbors and residents to provide additional context or facts for or against an application. Muting that voice is wrong.

The bill defines “transit oriented” communities as those with “land of such municipality located within a one-half-mile radius of any such station [a bus stop or rapid transit station], or … is located within a reasonable distance, as determined by the coordinator, of any other transit service, a commercial corridor or a downtown area of such municipality” [Section 2 (6)]. For these areas, the bill requires that “Any qualifying transit-oriented community shall allow the following developments as of right: (1) Middle housing developments, if such development contains nine or fewer dwelling units; (2) developments that contain ten or more dwelling units where not less than thirty percent of such units qualify as a set-aside development pursuant to section 8-30g” [section 2 (12)(f)] without requiring that a public hearing be held, a variance, special permit or special exception be granted or some other discretionary zoning action be taken. [section 2(3)]. In addition, there are restrictions on “regulations concerning any transit-oriented district that conflict with any guidelines adopted by the coordinator concerning parking requirements, lot size, lot coverage, setback requirements, floor area ratio, height restrictions, inclusionary zoning requirements, development impact fees.”

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