



Planning and Development Committee

March 15, 2021

The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members representing 168 towns and cities.

CCM **supports S.B. 1024** - An Act Concerning Zoning Authority, Certain Design Guidelines, Qualifications of Certain Land Use Officials and Certain Sewage Disposal Systems.

Background

Over the last several years, CCM has been committed to finding solutions and being at the table with advocates and opponents to work through legislation. The most recent example of this commitment came in 2019 with the creation of PA 19-17, which allows firefighters and police officers to obtain certain Workers' Compensation benefits when they are diagnosed with post-traumatic stress injury (PTSI). The public act was the result of a year-long series of extensive discussions between the various stakeholders. The considerations were absent political ideology and focused on the greater good of our first responders along with the property taxpayers of Connecticut. Each party involved in the development of the legislation dealt in good faith and was willing to compromise in order to create meaningful and realistic legislation. The same is true in our approach to finding common ground around the agenda that was presented by Desegregate CT in June of 2020.

In October of 2020, CCM established a representative working group of our 168 members to begin the process of reviewing the draft legislation put out by Desegregate CT, which included the platform items the group presented in June of 2020. The working group included the following 24 communities as well as the Connecticut Metro COG:

Barkhamsted – Bethany – Bolton – Bridgeport – Clinton – Columbia – Darien - East Windsor – Greenwich – Guilford- Hamden – Hartford – Killingly – Mansfield - New Haven – Newington – Redding – Stamford – Stratford – Thomaston – Union – Warren – Westport - Willington

Over the course of several months, and many meetings, some of which included collaborative sessions with Desegregate CT advocates, we were successful in establishing consensus around specific pieces of the draft. It should be noted that, (1) these items were all adopted individually by the working group without any dissenting votes, (2) not all members of the working group were at every meeting and thus could have missed individual votes cast, and (3) not every member of the working group agrees with the entire package put out by the working group. The items as recommended by the working group were then reviewed and approved by our Board of Directors as a package. The vote by the Board of Directors was again without dissention with two directors abstaining.

The testimony before you outlines these consensus items. These items represent our position today on proposals related to the amendment of zoning in the state and demonstrate our willingness to collaborate and work through issues for the betterment of the residents of Connecticut.

CCM Consensus Items

- **Changed the term commercial corridor to main street corridor** - many small towns do not have large commercial zones within their communities and/or they are not close to public transit or have the possibility of walkability. These communities only really have TOD friendly developable land around main streets where much of the walkable development is viable.
- **Removal of the cap on consulting fees** – small towns do not have professional staff to review project designs and assess the impacts of proposed development and mid-sized communities who may have staff on hand, need further investigation done on things like environmental impacts, etc. While the cap was removed, the word “necessary” was added in Section 2(b), in reference to these peer reviews. There can also not be more review needed for multi-family, affordable housing and middle housing projects than other projects.
- **Removal of the word “character”** – We **replaced the word character with “physical site characteristics and architectural context.”** There was consensus that the word “character,” has historical racially segregating context in the state. The language that replaced “character” still allows the town to ensure aesthetic conformity within development, including preservation of historical characteristics, without referring to this as preserving “character.”
- **Traffic standard changes related to developmental impact - Currently level of service traffic is used, this proposes to shift the state to a vehicle miles traveled and vehicle trips generated.** The rationale given for this change by Desegregate CT during our discussions was that the current standard perpetuates the need for road expansion and sprawl because it focuses on the estimated amount of traffic created by the development to ensure the ease of traffic flow, hence encouraging road expansion. The vehicle miles traveled or vehicle trips generated standard identifies the anticipated traffic impacts of a development and provides for potential mitigation strategies to reduce such traffic as part of the project. Such mitigation strategies offered by the bill are for example – allowing towns to require sidewalks, crosswalks, bike lanes, bike racks, bus stop shelters, reducing required parking, etc. These standards are not required to be used by the bill but rather offered as an alternative option, should towns choose to use it.
- **Minimum parking standards** – The group advocated for a minimum standard with a maximum allowable parking standard for dwelling units, and multi-family, mixed use developments across a community. The standard is a minimum that may not exceed, parking in excess of one parking space for each studio or one-bedroom dwelling unit and two parking spaces for each dwelling unit with two or more bedrooms. Related to transit-oriented development addressed by the bill, parking requirements do not apply.
- **Regulation of Signs** - While not something discussed during our working group meetings, this section **removes the word “advertising” from CGS 8-2.** This proposal is one that has been in CCM’s state legislative program for a couple of years now. The State Supreme Court decision in *Kuchta v. Arisian*, codified in law that a zoning commission may only regulate an advertising sign, and no other types of signs (political, religious, general information or awareness campaign). There are many towns that have sign ordinances that are now unenforceable. Municipalities are not looking to regulate the content of the sign, only treat each sign like all other signs regulated in the town. The suggested legislative remedy by municipal attorneys is to simply remove the word “advertising” in 8-2. This would essentially allow the statute to be read and interpreted as the town can regulate any sign.
- **Suit against a municipality not in compliance** - The working group agreed to **add the word, “aggrieved”** to the section related to parties bringing suit on a municipality they claim is not in compliance with zoning laws in the state. This section previously suggested that “any” person

could bring suit against a municipality alleging such municipality is not compliant with the zoning laws of the state. The working group felt that this language was too broad and agreed that the person bringing suit should at least need to prove standing before the court to bring such action.

- **Accessory dwelling units (ADU)** – The working group agreed on the allowance for at least one ADU, as-of-right, on each single-family lot.
- **Transit Oriented Development (TOD)** –
 - This section seeks to bring housing, as of right, with four or more units to 50% of the lot area within 1/2 mile of a fixed transit station. The language in this section, based on working group agreement, encourages TOD while also providing considerations for towns where there are multiple train stations and in some cases stations that span across town lines into neighboring communities.
 - It was suggested that the effective date be pushed out a year, to June 1, 2022, for this section. The group agreed that a municipality would need at least a year to satisfy coming into compliance with this section within their zoning regulations.

Outstanding Items – these items were discussed with general consensus, however, we look forward to flushing them out through the legislative process.

- **Working Group**
 - A working group to create model design guidelines for buildings and context appropriate streets, is proposed to be created within the Department of Housing. CCM requests that any proposal establishing such working group represent a diverse selection of municipality types and sizes. We would ask to work on language, with Legislative Committee staff, to require at minimum a representative from a large city, mid-sized city/town and small town.
- **Training for Land Use, Planning and Zoning Commissioners**
 - We would like to flag concerns raised by the smaller communities who expressed concern with finding volunteers for these boards and commissions now and that this new requirement could compound that problem.
- **Sewer and Water Infrastructure**
 - CCM has and continues to support the use of alternative waste treatment system facilities and for the development of standards for such facilities created by DPH.

Increasingly, there is sweeping decision-making on the state level that imposes a one size fits all policy onto the backs of local governments. Instead, the state and advocates should continue to find ways to encourage and work with local communities. It is refreshing to note that **S.B. 1024 is an example of this collaborative work and we encourage the Committee to support it.**

CCM wants to facilitate and be a part of the solution. We are committed to working through zoning reform proposals before the legislature and encourage advocates to seek out our input early and often. We have been and continue to be dedicated to hearing ideas, offering suggestions and finding common ground. We look forward to productive and constructive dialogue as we continue to put Connecticut first.

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If you have any questions, please contact Donna Hamzy, Advocacy Manager of CCM at dhamzy@ccm-ct.org or (203) 843-0705.