



## OFFICE OF THE FIRST SELECTMAN

**Michael R. Criss**  
**First Selectman, Town of Harwinton**

### ***TRANSPORTATION COMMITTEE***

March 8, 2021

Good Afternoon, my name is Michael R. Criss, I am the First Selectman for the Town of Harwinton and I am submitting testimony regarding H.B. 6570 "An Act Concerning Transit-Oriented Development and Municipal Zoning."

#### **H.B. 6570 "An Act Concerning Transit-Oriented Development and Municipal Zoning."**

Thank you for the opportunity to comment and submit testimony on proposed H.B. 6570 "An Act Concerning Transit-Oriented Development and Municipal Zoning." The Town of Harwinton opposes H.B. 6570 in regards to the Desegregate Connecticut movement to deregulate and remove decision making powers from local municipalities in an attempt for a one-size-fits-all approach of changing the landscape in Connecticut forever, putting at risk natural resources, health & wellness, affordability of infrastructure and the blatant disregard for people to choose where they live in a free country.

It appears, at first look, at many of these proposed and hidden Desegregate Connecticut bills and initiatives, that no one has bothered to take a look at the DEEP Blue Ribbon report of 1989 which clearly identified one unit per two acres of zoning. In the same regard, the department felt this was not stringent enough in order to control maximum density in unsewered areas where natural resource conditions would dissolve due to density crowding. This entire study was placed on a DEEP analysis of pollutant impacts, septic system reliability, availability of potable water, storm water runoff, short and long-term construction impacts and the availability of regulated resources to ensure the environmental and health standards are met.

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Other things that have been overlooked in the mass push to build Affordable Housing is the lack of mass transportation, services and a study of the soil types within rural Connecticut. It would be helpful for the entire committee to read 'A Literature Review of Impacts of Water Quality from Residential Development' dated March 10, 1989.

The Town of Harwinton recognizes the need for Affordable Housing throughout our state, but also recognizes the need to make Connecticut affordable before we can talk about Affordable Housing. Any housing or development must be in harmony with the environment. No one knows local environment better than local Planning and Zoning commissions. Local Planning and Zoning commissions and Inland Wetland Watercourse Commissions work in concert with the area health districts in order to ensure that *that* balance is achieved. Houses in Connecticut, on a whole, cannot be considered affordable if a resident is taxed more than their annual income and their annual income does not increase with the cost of living. The Town of Harwinton has taken the initial steps to establish an Affordable Housing Advisory Committee to determine what our needs are in concert with our Plan of Conservation to establish our community's needs and future housing requirements. The Town of Harwinton along with numerous other state organizations and municipalities agree that a 10% threshold in rural Connecticut is nearly unachievable without ignoring the environment, doubling property taxes, creating transportation and medical hubs, and any and all services required for densely populated areas. Northwest Connecticut continues to be an aging population with needs for Senior Housing. We believe by passing bills to strip local municipalities of their authority to manage their communities the way the residents elected them to do will directly undermine the goal of working together to make Connecticut affordable to all.

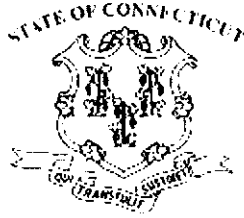
Finally, costly mandated training for Land Use, Planning and Zoning volunteer commissioners would be detrimental to the recruitment for volunteers to serve on these boards and commissions. I look forward to working together and not mandating the future of Connecticut housing. I urge the committee to oppose H.B. 6570.

Thank you for allowing me to submit testimony on behalf of the Town of Harwinton. If you have any further questions, please feel free to contact me at any time.

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General Assembly

January Session, 2021

**Raised Bill No. 6570**

LCO No. 3614



Referred to Committee on TRANSPORTATION

Introduced by:  
(TRA)

**AN ACT CONCERNING TRANSIT-ORIENTED DEVELOPMENT AND MUNICIPAL ZONING.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage*) (a) On or before October 1, 2021, the  
2 Commissioner of Transportation, in consultation with the  
3 Commissioner of Housing, shall (1) identify five transit stations where  
4 the associated parking lot is owned by the state, and (2) issue a request  
5 for information for the construction of transit-oriented development on  
6 such parking lots, provided the same number of parking spaces will be  
7 maintained and at least twenty per cent of the development will be  
8 affordable housing, as defined in section 8-39a of the general statutes.

9 (b) On or before February 1, 2022, the Commissioner of  
10 Transportation shall submit, in accordance with section 11-4a of the  
11 general statutes, a summary of the responses to the request for  
12 information, along with any recommendations, to the joint standing  
13 committee of the General Assembly having cognizance of matters  
14 relating to transportation.

15 Sec. 2. Section 8-2 of the general statutes is repealed and the following

16 is substituted in lieu thereof (*Effective October 1, 2021*):

17 (a) (1) The zoning commission of each city, town or borough is  
18 authorized to regulate, within the limits of such municipality, the  
19 height, number of stories and size of buildings and other structures; the  
20 percentage of the area of the lot that may be occupied; the size of yards,  
21 courts and other open spaces; the density of population and the location  
22 and use of buildings, structures and land for trade, industry, residence  
23 or other purposes, including water-dependent uses, as defined in  
24 section 22a-93; [,] and the height, size, location, brightness and  
25 illumination of advertising signs and billboards. Such bulk regulations  
26 may allow for cluster development, as defined in section 8-18.

27 (2) Such zoning commission may divide the municipality into  
28 districts of such number, shape and area as may be best suited to carry  
29 out the purposes of this chapter; and, within such districts, it may  
30 regulate the erection, construction, reconstruction, alteration or use of  
31 buildings or structures and the use of land. All [such] zoning regulations  
32 shall be uniform for each class or kind of buildings, structures or use of  
33 land throughout each district, but the regulations in one district may  
34 differ from those in another district. [, and]

35 (3) Such zoning regulations may provide that certain classes or kinds  
36 of buildings, structures or uses of land are permitted only after  
37 obtaining a special permit or special exception from a zoning  
38 commission, planning commission, combined planning and zoning  
39 commission or zoning board of appeals, whichever commission or  
40 board the regulations may, notwithstanding any special act to the  
41 contrary, designate, subject to standards set forth in the regulations and  
42 to conditions necessary to protect the public health, safety, convenience  
43 and property values. [Such]

44 (b) Zoning regulations adopted pursuant to subsection (a) of this  
45 section shall: [be]

46 (1) Be made in accordance with a comprehensive plan and in  
47 [adopting such regulations the commission shall consider]

48 consideration of the plan of conservation and development [prepared]  
49 adopted under section 8-23; [. Such regulations shall be]

50 (2) Be designed to lessen congestion in the streets; to secure safety  
51 from fire, panic, flood and other dangers; to promote health and the  
52 general welfare; to provide adequate light and air; to prevent the  
53 overcrowding of land; to avoid undue concentration of population and  
54 to facilitate the adequate provision for transportation, water, sewerage,  
55 schools, parks and other public requirements; [. Such regulations shall  
56 be]

57 (3) Be made with reasonable consideration as to the character of the  
58 district and its peculiar suitability for particular uses and with a view to  
59 conserving the value of buildings and encouraging the most appropriate  
60 use of land throughout such municipality. Such regulations may, to the  
61 extent consistent with soil types, terrain, infrastructure capacity and the  
62 plan of conservation and development for the community, provide for  
63 cluster development, as defined in section 8-18, in residential zones; [.  
64 Such regulations shall also encourage]

65 (4) Encourage the development of housing opportunities, including,  
66 but not limited to, opportunities for multifamily dwellings, consistent  
67 with soil types, terrain and infrastructure capacity, for all residents of  
68 the municipality and the planning region in which the municipality is  
69 located, as designated by the Secretary of the Office of Policy and  
70 Management under section 16a-4a; [. Such regulations shall also  
71 promote]

72 (5) Promote housing choice and economic diversity in housing,  
73 including housing for both low and moderate income households; [, and  
74 shall encourage]

75 (6) Encourage the development of housing which will meet the  
76 housing needs identified in the state's consolidated plan for housing and  
77 community development prepared pursuant to section 8-37t and in the  
78 housing component and the other components of the state plan of  
79 conservation and development prepared pursuant to section 16a-26; [.



80 Zoning regulations shall be]

81 (7) Be made with reasonable consideration for their impact on  
82 agriculture, as defined in subsection (q) of section 1-1; and

83 (8) Require fifty per cent of the area within a one-half mile radius of  
84 a bus rapid transit station or passenger railroad station (A) allow for the  
85 creation of as-of-right accessory apartments and residential buildings  
86 containing at least four dwelling units or mixed-use buildings that allow  
87 dwelling units, and (B) not be subject to mandatory minimum parking  
88 requirements.

89 (c) Zoning regulations adopted pursuant to subsection (a) of this  
90 section may; [be]

91 (1) Be made with reasonable consideration for the protection of  
92 historic factors and shall be made with reasonable consideration for the  
93 protection of existing and potential public surface and ground drinking  
94 water supplies. On and after July 1, 1985, the regulations shall provide  
95 that proper provision be made for soil erosion and sediment control  
96 pursuant to section 22a-329; [. Such regulations may also encourage]

97 (2) Encourage energy-efficient patterns of development, the use of  
98 solar and other renewable forms of energy, and energy conservation; [.   
99 The regulations may also provide]

100 (3) Provide for incentives for developers who use passive solar  
101 energy techniques, as defined in subsection (b) of section 8-25, in  
102 planning a residential subdivision development. The incentives may  
103 include, but not be limited to, cluster development, higher density  
104 development and performance standards for roads, sidewalks and  
105 underground facilities in the subdivision; [. Such regulations may  
106 provide]

107 (4) Provide for a municipal system for the creation of development  
108 rights and the permanent transfer of such development rights, which  
109 may include a system for the variance of density limits in connection  
110 with any such transfer; [. Such regulations may also provide]

111       (5) Provide for notice requirements in addition to those required by  
112 this chapter; and [. Such regulations may provide]

113       (6) Provide for conditions on operations to collect spring water or  
114 well water, as defined in section 21a-150, including the time, place and  
115 manner of such operations. [No such regulations shall prohibit]

116       (d) Zoning regulations adopted pursuant to subsection (a) of this  
117 section shall not:

118       (1) Prohibit the operation of any family child care home or group  
119 child care home in a residential zone; [. No such regulations shall  
120 prohibit]

121       (2) Prohibit the use of receptacles for the storage of items designated  
122 for recycling in accordance with section 22a-241b or require that such  
123 receptacles comply with provisions for bulk or lot area, or similar  
124 provisions, except provisions for side yards, rear yards and front yards  
125 [. No such regulations shall] or unreasonably restrict access to or the size  
126 of such receptacles for businesses, given the nature of the business and  
127 the volume of items designated for recycling in accordance with section  
128 22a-241b, that such business produces in its normal course of business,  
129 provided nothing in this section shall be construed to prohibit such  
130 regulations from requiring the screening or buffering of such receptacles  
131 for aesthetic reasons; [. Such regulations shall not impose]

132       (3) Impose conditions and requirements on manufactured homes  
133 having as their narrowest dimension twenty-two feet or more and built  
134 in accordance with federal manufactured home construction and safety  
135 standards or on lots containing such manufactured homes which are  
136 substantially different from conditions and requirements imposed on  
137 single-family dwellings and lots containing single-family dwellings; [.  
138 Such regulations shall not impose]

139       (4) Impose conditions and requirements on developments to be  
140 occupied by manufactured homes having as their narrowest dimension  
141 twenty-two feet or more and built in accordance with federal

142 manufactured home construction and safety standards which are  
143 substantially different from conditions and requirements imposed on  
144 multifamily dwellings, lots containing multifamily dwellings, cluster  
145 developments or planned unit developments; [. Such regulations shall  
146 not prohibit]

147 (5) Prohibit the continuance of any nonconforming use, building or  
148 structure existing at the time of the adoption of such regulations or  
149 require a special permit or special exception for any such continuance;  
150 [. Such regulations shall not provide]

151 (6) Provide for the termination of any nonconforming use solely as a  
152 result of nonuse for a specified period of time without regard to the  
153 intent of the property owner to maintain that use; [. Such regulations  
154 shall not terminate]

155 (7) Terminate or deem abandoned a nonconforming use, building or  
156 structure unless the property owner of such use, building or structure  
157 voluntarily discontinues such use, building or structure and such  
158 discontinuance is accompanied by an intent to not reestablish such use,  
159 building or structure. The demolition or deconstruction of a  
160 nonconforming use, building or structure shall not by itself be evidence  
161 of such property owner's intent to not reestablish such use, building or  
162 structure; and [. Unless such town opts out, in accordance with the  
163 provisions of subsection (j) of section 8-1bb, such regulations shall not  
164 prohibit]

165 (7) Prohibit the installation of temporary health care structures for  
166 use by mentally or physically impaired persons [in accordance with the  
167 provisions of section 8-1bb if such structures comply with the provisions  
168 of said section.] pursuant to section 8-1bb, unless the municipality opts  
169 out pursuant to subsection (j) of said section.

170 (e) Any city, town or borough which adopts the provisions of this  
171 chapter may, by vote of its legislative body, exempt municipal property  
172 from the regulations prescribed by the zoning commission of such city,  
173 town or borough; but unless it is so voted municipal property shall be



174 subject to such regulations.

175 [(b)] (f) In any municipality that is contiguous to Long Island Sound  
176 the regulations adopted [under] pursuant to subsection (a) of this  
177 section shall be made with reasonable consideration for restoration and  
178 protection of the ecosystem and habitat of Long Island Sound and shall  
179 be designed to reduce hypoxia, pathogens, toxic contaminants and  
180 floatable debris in Long Island Sound. Such regulations shall provide  
181 that the commission consider the environmental impact on Long Island  
182 Sound of any proposal for development.

183 [(c)] (g) In any municipality where a traprock ridge, as defined in  
184 section 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is  
185 located, the regulations adopted pursuant to subsection (a) of this  
186 section may provide for development restrictions in ridgeline setback  
187 areas, as defined in said section. The regulations may restrict quarrying  
188 and clear cutting, except that the following operations and uses shall be  
189 permitted in ridgeline setback areas, as of right: (1) Emergency work  
190 necessary to protect life and property; (2) any nonconforming uses that  
191 were in existence and that were approved on or before the effective date  
192 of regulations adopted under this section; and (3) selective timbering,  
193 grazing of domesticated animals and passive recreation.

194 [(d)] (h) Any advertising sign or billboard that is not equipped with  
195 the ability to calibrate brightness or illumination shall be exempt from  
196 any municipal ordinance or regulation regulating such brightness or  
197 illumination that is adopted by a city, town or borough after the date of  
198 installation of such advertising sign or billboard pursuant to subsection  
199 (a) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2021</i>	8-2

**Statement of Purpose:**

To (1) increase the number of transit-oriented developments with an affordable housing component, and (2) require a municipality's zoning regulations permit a greater density of housing within one-half mile of a bus rapid transit station or passenger railroad station.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*