

# CONNECTICUT PLANNING

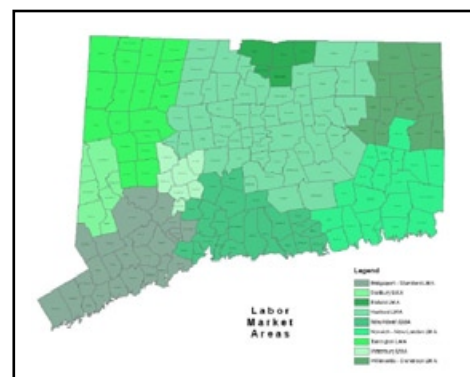
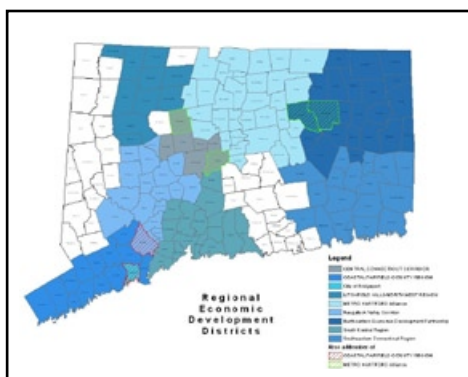
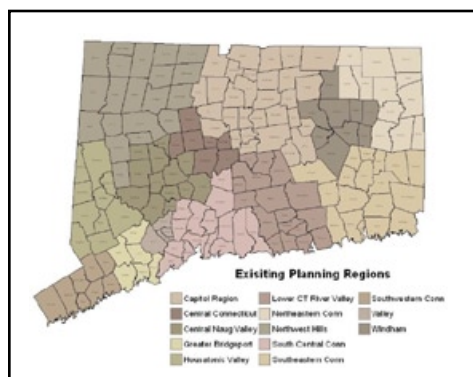


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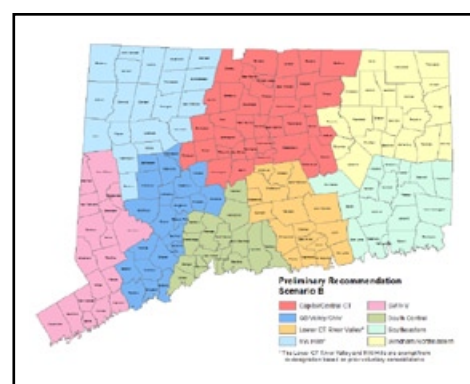
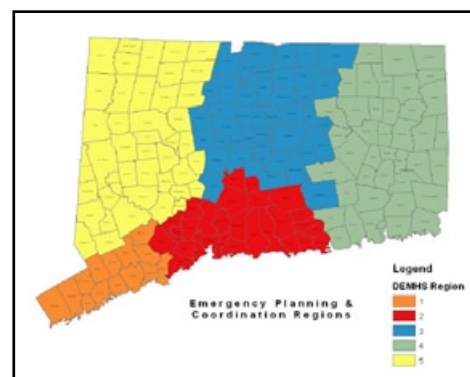
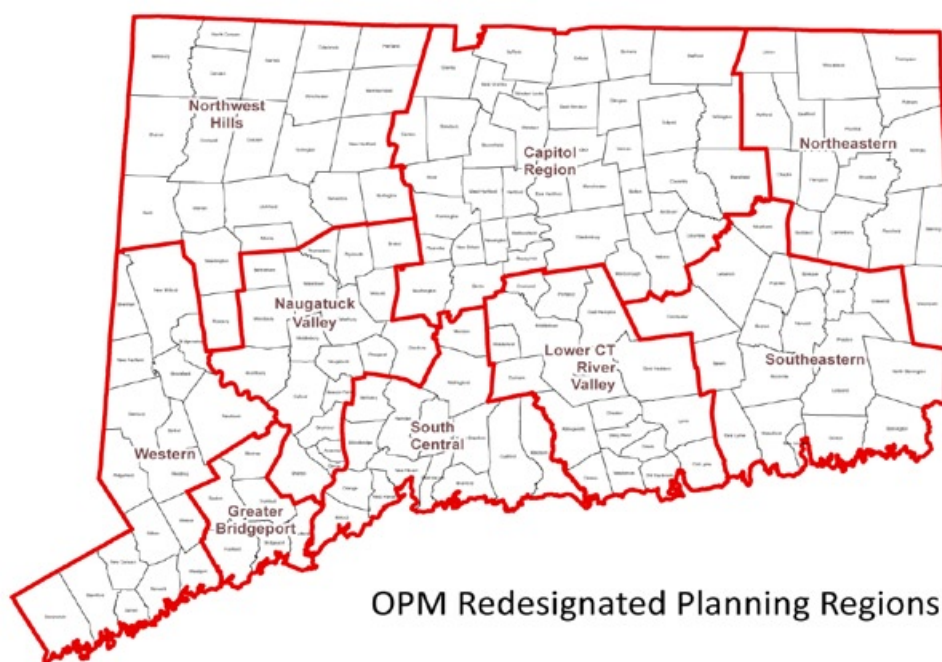
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## Regional Planning



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## PRESIDENT'S MESSAGE



Happy Spring, planners! We certainly are a hearty bunch to have made it through this past winter. The silver lining is that lots of snow days may have given us some extra time to work on Chapter business and plan for events. Whether that is the case or not, I know we have been very busy. Here are a few things we've been working on:

### Networking on Main Street

On March 6th, our Program Committee put on a wonderful collaborative event with the Connecticut Economic Development Association in Manchester at Axis901. The event called Networking on Main Street combined a social hour in the Manchester Community College's gallery on Main Street in Manchester and a presentation and tour of Axis901 co-working space which is a venture between the Town of South Windsor and MCC. The event was attended by both planners and economic developers and provided a unique opportunity for professionals from both fields to discuss various aspects of Main Street revitalization. Thanks to Linnea McCaffrey, Program Committee Chair, Susan Westa, Program Development Officer and Elizabeth Stocker, CEDAS President for a wonderfully executed event. Stay tuned for information on a similar event being planned for the fall of 2014 which will take place at Bridgeport's B:Hive Collaborative Coworking Workspace.

*(continued on page 3)*



*Axis901 co-working space, Manchester.*

## CONNECTICUT PLANNING

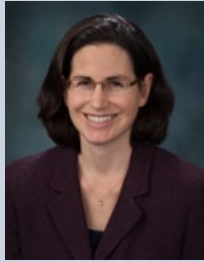
is published quarterly by the Connecticut Chapter of the American Planning Association. Contributions are encouraged. Submissions must include the name and contact information of the contributor. Material may be edited to conform to space or style requirements. Please address submissions to Executive Editor Rebecca Augur, AICP (contact information below).

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## FROM THE EDITOR

Regional planning and regionalism in Connecticut is under intense scrutiny in a way not seen since our regional planning organizations (RPOs) were first established in the late 1950s. In addition to legislative review of RPO boundaries, recent federal funding opportunities and transportation initiatives have fostered new partnerships and understandings of regionalism. From CTfastrak (the New Britain-Hartford Busway), which straddles two RPO boundaries, to the New York & Connecticut Sustainable Communities Consortium extending from Long Island and Manhattan along the southwestern coast of Connecticut to New Haven, there's a lot of activity on the regional level. Not only is OPM reviewing RPO boundaries, but CT DOT is reviewing MPO boundaries as well. Without County government, Connecticut has a unique ability to define planning regions beyond governmental structures. Along with that freedom comes a host of complex considerations on what defines a region, the purpose of regional planning, and the future of our communities.



I hope you enjoy the collection of articles in this issue as food for thought on regionalism and where your community fits in. You will find articles highlighting recent changes in RPOs and lessons from regional planning around military installations that might apply to general, comprehensive regional planning. Our regular Planner's Profile and From the Bench columns are also included, in addition to Chapter news. As always, I welcome your comments, thoughts and suggestions. Welcome spring! 🌱

— Rebecca Augur



## PRESIDENT'S MESSAGE, CONT

### Semi-Annual Chapter Meeting

At our February Executive Board Meeting we discussed holding a second Chapter Meeting and perhaps conducting Chapter meetings on a Semi-Annual basis going forward. Currently, the Chapter Meeting takes place at the SNEAPA Conference in the fall. To fulfill vision of holding two meetings per year, we have elected to hold a Chapter Meeting on June 13th as a part of the Annual Hot Topics event. I hope to see many of your faces there as we provide updates from our Chapter Board and Committees and celebrate the privilege of being a planning professional in Connecticut!

### Technological Updates

As a chapter we becoming more and more technologically savvy. Two years ago, we introduced our new Chapter website and social media. In the coming months we will be adding some new features to the website to provide a more interactive, user-friendly base of information for chapter members. Stay tuned for the roll out of our new and improved membership database as well as a President's blog. We hope to begin communicating via more frequent electronic newsletter updates soon! In addition to these outward facing improvements, the Chapter's Executive Board has begun to use a new management software called Basecamp which will allow our meetings to be paperless and more efficient management of multiple committees. While this software is for Board and Committee use, we may have reason to loop member volunteers into our conversations which Basecamp makes it easy to do.

### Chapter By-Law Revisions

There is a phenomenon that I've heard homeowners talk about where you start with the idea that you're going to buy a new sofa and eventually that leads to new carpets, new drapes, new paint and eventually an entire remodel of the living room. This is a bit like what is happening with our Chapter bylaws right now. APA National has begun to revise its election process and as we get more information on this, we will be reworking our bylaws to reflect those changes. But, while we are at it, we are examining the bylaws in other areas as well to ensure they are up to date. We hope you will be patient with us as this process may take more than one Chapter vote to complete. It is important to us that we hear all of your voices on these important chapter matters.

Please do not hesitate to be in touch with me should you have any thoughts, questions or suggestions for the Chapter! My inbox welcomes your emails, my voicemail welcomes your messages and my door welcomes your feet if you find yourself in Hartford!

Happy Planning! 🌱

— Emily (Moos) Hultquist, AICP





# Regional Planning in Connecticut 2014 and Beyond — And Now There Are Nine

by Linda Krause

**Each region will be governed by a Council of Governments comprised of the chief-elected officials of its member towns. Old relationships are wiped out and everyone has new teammates.**

For several years, we have heard State legislators complain that there were “too many” planning regions in Connecticut. In an effort led by House Speaker Brendon Sharkey, the argument was put forth that a small state like Connecticut did not need the 15 regions created back in the 1950s to conduct land use planning at the substate level. Maybe six, or eight, but not all 15. The existing structure was costly and inefficient, and money could be saved by promoting fewer, larger regions. For the past three years, the issue of how many, what structure, what functions, and how to fund regional agencies has been a front burner issue. The recent approval of a new set of regional boundaries, new structure, new funding and new responsibilities creates a “whole new ballgame.”

There are nine new regions, arrived at by elimination of two existing regional agencies and consolidation of the rest into larger units. Each region will be governed by a Council of Governments comprised of the chief-elected officials of its member towns. Old relationships are wiped out and everyone has new teammates.

Legislation passed at the end of last term in the last minute implementer bill

creates new responsibilities, new funding and a shift in focus from land use issues to service delivery systems. The M.O.R.E. Commission (Municipal Opportunities Regional Efficiencies Commission) [www.housedems.ct.gov/MORE](http://www.housedems.ct.gov/MORE) is continuing this year to study and make recommendations on topics such as “regionalizing education, tax reform, regionalization of health and human services delivery, and purchasing efficiencies.” Meanwhile, the bill passed last year eliminated regional planning commissions. (Where they have existed, the regional planning commissions have generally promoted coordinated land use among towns, examined developments of intermunicipal significance, commented on those pesky intertown referrals, and prepared Regional Plans of Conservation and Development. There is some consideration of restoring the RPCs and some of their functions in this current legislative session.)

The Connecticut DOT has adopted the concept that fewer larger regions are bound to be cheaper, more efficient, and better at assigning regional priorities  
*(continued on page 5)*

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## Regional Planning in CT, cont'd

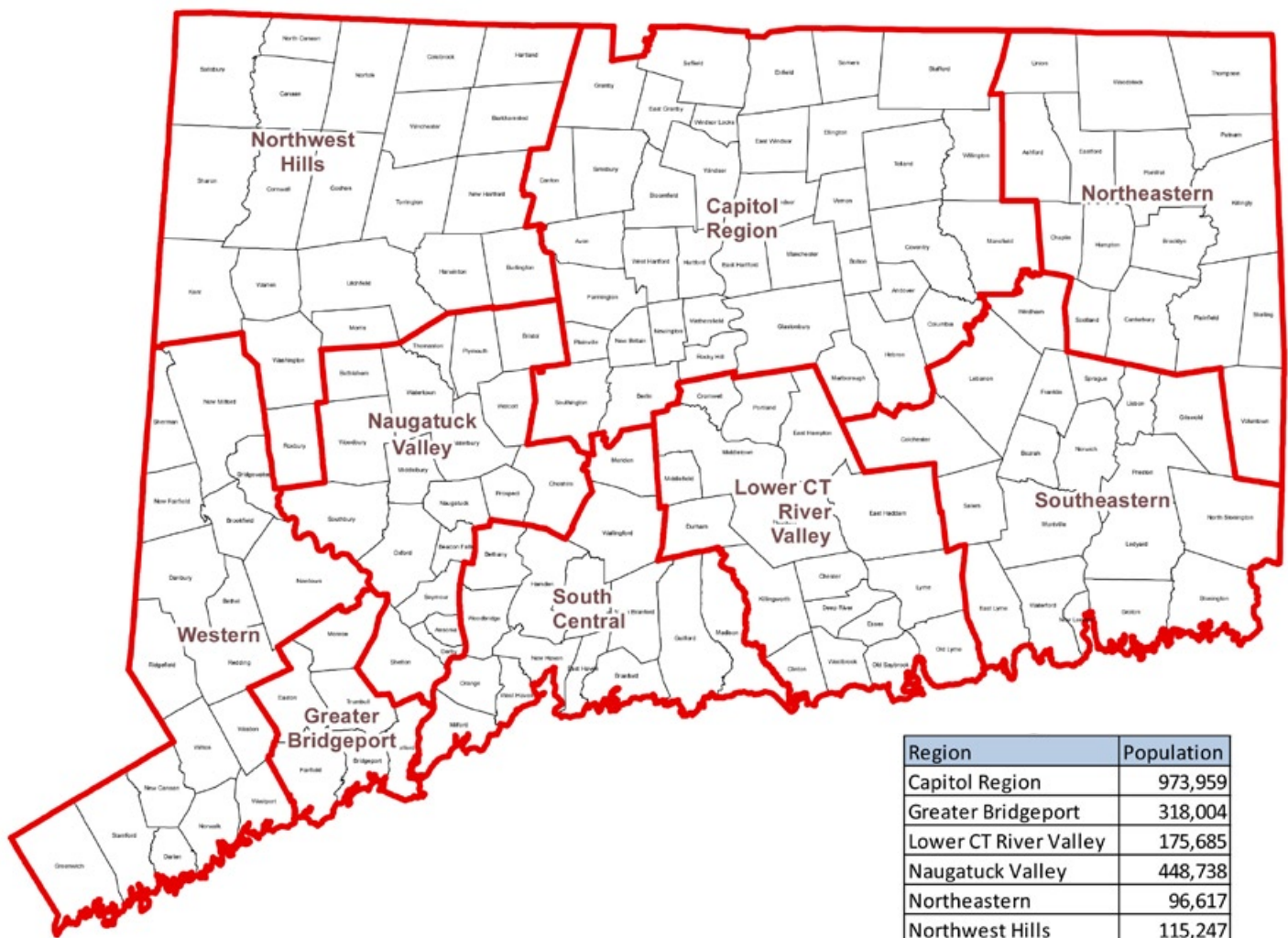
across large regions than smaller ones. CONNDOT is actively encouraging the creation of larger transportation planning regions throughout the state. Unlike the boundaries of state planning regions, however, it appears that such a redesignation cannot be done by edict from the State, but will require the concurrence, by vote, of both federal transportation officials and “local” Metropolitan Planning Organizations.

In all, it is a chaotic period of time for regional planning in Connecticut. Mergers are difficult, not only because the cast of characters changes, but be-

cause everything else changes as well. The “mere” process of changing all contracts, for example, requires hours of work and explanations. While there is a long history of regional planning in Connecticut, expectations are being raised that the consolidation of smaller agencies will save money, while offering additional services. It is extremely difficult to accomplish both goals. The argument here is similar to the question of whether large or small schools are best — large schools can offer a greater range of services, but small schools can offer more attention to each individual student. Of particular interest to planners is the need to develop a new

*(continued on page 6)*

## OPM Redesignated Planning Regions



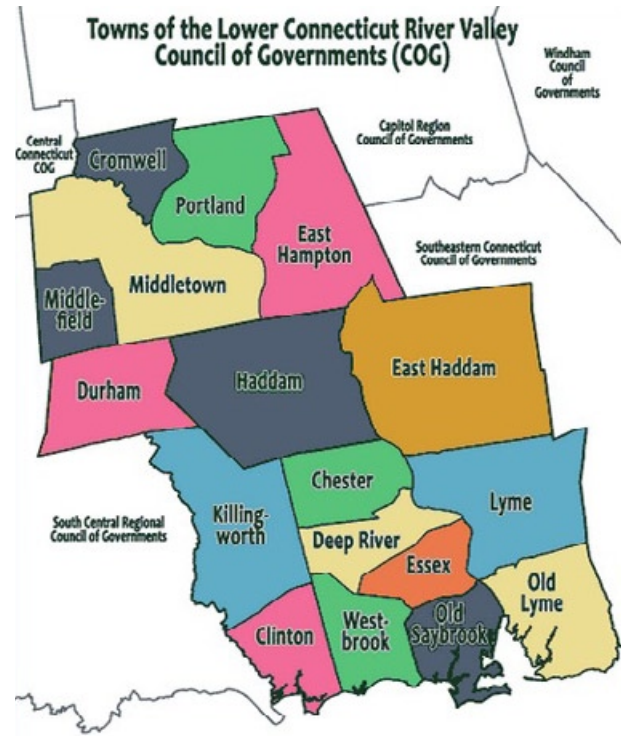
Region	Population
Capitol Region	973,959
Greater Bridgeport	318,004
Lower CT River Valley	175,685
Naugatuck Valley	448,738
Northeastern	96,617
Northwest Hills	115,247
South Central	570,001
Southeastern	286,711
Western	589,135



While it is certainly possible to think like a planner even with a MPA degree, it is not a given that the regional directors of the future will be planners.

## Regional Planning in CT, cont'd

data base for each geographic area and population which has never been previously aggregated. At this time, the vision of a regional planning agency as a service delivery system is affecting work programs, staffing requirements and job qualifications. For several years, some regions have been directed by people who hold an MBA or MPA, a change from the historic qualifications and experience associated with a Masters Degree in Planning. While it is certainly possible to think like a planner even with a MPA degree, it is not a given that the regional directors of the future will be planners. In the absence of a formal State Land Use Planning Office in Connecticut (please note here that the folks at OPM try to serve that function to the extent that they can!), the regional agencies have been state planners by default. I feel that there is a significant



devaluing of the planning function going on, and many of us do not even recognize it. If and when the regions do not see the wisdom of planning, Connecticut will be the worse for it. 🏠



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*Holding a MCP from the University of Rhode Island, Linda has been a land use planner in Connecticut for almost 40 years. She has worked for the State, for municipalities and governmental subdivisions. For the last 28 years, she has been a regional planning agency staffer and director of the Connecticut River Estuary Regional Planning Agency. She considers the voluntary merger in 2012 of CRERPA and Midstate Regional Planning Agency to be a significant accomplishment for her and the whole staff. As a volunteer, Linda served as the Chair of the Wetlands Commission for the Town of Groton and later, four terms on the Town Council. In her final term, she was elected Mayor by her fellow councilors. Linda also chaired the Southeastern CT Regional Planning Agency and worked for the conversion of that Agency to a COG, where she co-chaired the new organization. Having gone through several swings of the planning pendulum, from pre-Earth Day to today's quest for "jobs, jobs, jobs," she believes that planning can serve an important role in achieving a healthy balance of human activity while we still have a planet to live with.*

# The New Northwest Hills COG

by Rick Lynn, AICP and Jocelyn Ayer



There were no pitchforks or torches involved when the former 11-town Litchfield Hills Council of Elected Officials and the former 9-town Northwestern CT Council of Governments became the 20-town Northwest Hills COG this January. The regional planning organization (RPO) consolidation process has gone smoothly here in the northwest corner.

Facilitating the merger was the spirit of cooperation embraced by the area's chief elected officials. In addition, the merger was made considerably easier by the previous work experience of the two former RPOs which included many joint projects. The RPOs had been coordinating many of their services prior to the consolidation including regional economic development planning, Household Hazardous Waste Collection Days, a public works equipment cooperative, a cooperative purchasing program, and joint advisory committees on recycling and legislation. In addition there were already multi-town projects administered by the RPOs which crossed over the former RPO boundaries such as a prescription assistance program and the NWCT Regional Planning Collaborative.

The consolidation has already shown some benefits. The additional State Grant

In Aid (SGIA) funding the COG has received has allowed it to provide a level of economic development and planning and zoning commission support that neither RPO had the capacity to provide before the consolidation. In addition, we have a snazzy new [website](#) that describes our services and makes COG resources more easily accessible.

The Northwest Hills COG will employ a staff of four, with two planners and two administrative staff, and will be moving to new offices now under renovation in the Goshen Town Center. The COG will meet monthly to discuss issues in municipal management, oversee existing COG programs, and pursue new opportunities for voluntary regional cooperation. ■

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**Rick Lynn, AICP**, is the Executive Director of the Northwest Hills Council of Governments. He previously worked as Planning Director for the Litchfield Hills Council of Elected Officials, Senior Planner for the Housatonic Valley Council of Elected Officials, and as the Coordinator for the King's Mark Environmental Review Team. He has a Master's degree in Environmental Planning from Syracuse University and a Bachelor's degree in Biology from Albion College. He previously served on Cornwall's Planning and Zoning Commission, including six years as Chairman, and is on the Board of Directors of the Cornwall Conservation Trust.

**Jocelyn Ayer** is the Community & Economic Development Director for the new Northwest Hills Council of Governments. Prior to that, she served as Director of the NWCT Regional Planning Collaborative and as Program Director for HousingUs. She has a Master's degree in Regional Planning from the University of Massachusetts Amherst and enjoys life in Connecticut's "Secret Corner."

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## CCAPA Membership News

by Alan L. Weiner, AICP, Chairman, Member Services Committee

### ■ Current CCAPA Membership

As of March 1, 2014, CCAPA had a total enrollment of 439 members, categorized as follows: AICP – 194 members; FAICP – 5 members; APA – 135 members; students – 78 members; officials – 20 members; Chapter-only – 7 members.

### ■ Welcome to Our Newest Members!

The following are the newest members of CCAPA (January 1-February 28, 2014):

Michael Antonellis, Coventry  
Laura Heery Prozes, Greenwich  
Timothy Baird, Cheshire  
Eric Jespersen, Suffield  
Kate Casey, Bristol  
Jennifer So, Stamford  
Sharon Ebert, Bridgeport  
Brent Sturlaugson, New Haven  
Rory Fitzgerald, Old Saybrook  
Leonard Wyeth, Chester  
Tyler Grzegorzcyk, New Haven

### ■ Members in the News

**Matthew J. Davis, AICP, and LEED Green Associate**, reports that he is now a Senior Planner with the Matrix Design Group, a full-service, multi-disciplinary consulting firm with offices in several U.S. cities, including Phoenix, Sacramento, and Denver. Matt can be reached via email at [matt\\_davis@matrixdesigngroup.com](mailto:matt_davis@matrixdesigngroup.com). Matt was previously the Manager of Plan-

ning Services for the Town of Groton (between 11/06 and 8/13).

**Samuel S. Gold, AICP**, has been named Executive Director of the Council of Governments of the Central Naugatuck Valley ([www.cogcnv.org](http://www.cogcnv.org)), succeeding Peter Dorpalen, who retired in August of 2013 as head of the Waterbury-based regional agency. Sam, who was previously the agency's Senior Planner, can be reached at 49 Leavenworth St., Suite 303, Waterbury 06702. Tel. No.: (203) 757-0535. Email: [sgold@cogcnv.org](mailto:sgold@cogcnv.org).

### ■ Changing Jobs?

Share the big news about your latest career move with your fellow CCAPA members! Contact me at [membership@ccapa.org](mailto:membership@ccapa.org) with the particulars (including new job title/address/phone and fax numbers/email address) and we'll announce it in the next issue of *Connecticut Planning*.

### ■ Need to Update Your Member Profile?

Please advise APA's Chicago office of any updates to your APA member profile (e.g., your mailing or email address). You can do so at APA's website ([www.planning.org](http://www.planning.org)) by logging into My APA and clicking "Edit" under your contact information. Or you may submit your update by email to [customerservice@planning.org](mailto:customerservice@planning.org). ■

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# Sharkey Still Pushing Regionalism

by Brad Kane, Reprinted with Permission from the Hartford Business Journal

In his first year as speaker of the state House of Representatives, Brendan Sharkey found time to push forward his pet project of regionalism.

But it wasn't easy.

Sharkey confronted a legislative session fraught with perils such as balancing a \$2.1 billion budget deficit, passing major energy reforms, and handling fallout from the Sandy Hook massacre.

"It has been a tough year," Sharkey said.

Sharkey, a small business owner, wants to lower Connecticut's property tax burden by regionalizing services from local municipalities and school districts, in order to achieve long-term cost savings. He owns Hamden permitting consultant firm AmeriZone LLC.

In 2013, Sharkey re-established the Municipal Opportunities Regional Efficiencies (MORE) commission to develop recommendations for local districts to save money on services and develop economies of scale.

One of the major achievements of the year was having the Connecticut State Board of Education pass legislation moving the entire state to a common school calendar, Sharkey said.

With every school district having the same vacation and operating schedule, the various districts can join forces for school bus contracts and share the work of curriculum consultants.

"It is really critical to create efficiencies in the schools," Sharkey said.

The state also funded the expansion of the Nutmeg Network, which is a fiber optics online community for cities and towns to share resources. The build-out will be complete in two years, Sharkey said.

"All these are moving us toward efficiencies," Sharkey said. "The towns are falling over themselves to sign up for the Nutmeg Network."

Connecticut also is consolidating the number of regional planning organizations from 15 to eight, which will make it easier to apply for federal funding.

"The ultimate goal is the reduction of our reliance on the property tax," Sharkey said. "We have to look at our overall tax system in the state of Connecticut." ■

*This article originally appeared in the Hartford Business Journal on 12/16/2013.*



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# The U.S. Department of Defense's "Joint Land Use Study" — High Stakes Regional Planning

by Matt Davis, AICP, LEED

**T**his June 28th will be the 100th anniversary of the assassination of Arch Duke Ferdinand and his wife, Sophie in Sarajevo by Gavrilo Princip, a Serbian revolutionary seeking independence for the predominantly Slavic southern provinces of the Austro-Hungarian "empire." That event set off a complex set of actions (and inactions) which over the course of the next several weeks and months drew the principal nations of the world into a war that destroyed much of Europe and killed millions. As the prospect of war grew, Churchill feared that the "new" wars of the emerging populist would be much more savage than the tidy affairs of the Monarchs. He was, as usual, prescient, and in more ways than one.



*U.S. fighter bombers flying over farmland.*

## What does this have to do with regional planning?

To meet the threat to our national security, America mobilized. Part of that effort included establishing military bases throughout the U.S. for various purposes. By way of illustration, one of these bases was set up on a lonely stretch of the Potomac River in Virginia. That facility eventually became today's Dahlgren Naval Support Facility, or simply, "Dahlgren NSF."

The site was chosen not just for its isolation, but for its geography. This was

the era of the massive "dreadnought," huge battleships with enormous cannons that could propel ordnance up to 50 miles. Dahlgren just happened to be situated on an ideal bend in the river where open water extended east for over 50 miles.

It's a fascinating place with a very interesting history and an even more fascinating present. The Norden bombsite was invented there and the beginnings of what would become the U.S. Space Program also got started there. Dahlgren's

*(continued on page 11)*

In the decades following the Armistice, the world came out to meet Dahlgren. Post WWII growth and prosperity led to the nearby development of summer cottage communities and marinas, small local shops and eventually small neighborhoods.



## U.S. Dept. of Defense cont'd

mission and operations have changed a bit since the days of the Czar, but the folks there still do scientific research on developing weapons systems. Only now, it's about lasers and rail guns. Other things have changed, too. In the decades following the Armistice, the world came out to meet Dahlgren. Post WWII growth and prosperity led to the nearby development of summer cottage communities and marinas, small local shops and eventually small neighborhoods. The booming cannons no longer upset just a few dairy cows and some pelicans. They now shook the plaster off ceilings and broke windows. Unfortunately, a similar evolution occurred in literally hundreds of other places throughout the U.S. — around air bases, “proving grounds,” port facilities and a host of other military assets.

In the interest of national security, the U.S. needed to figure out a way to sustain places like Dahlgren, but to do so in ways that would also allow the communities around them to grow and prosper. So, in

1985, the Department of Defense (DoD) created the “Joint Land Use Study” program (JLUS). Taking cues from the professional planning community, DoD set out to see if it could find ways to avoid or at least mitigate conflicts between bases and their host communities. Within

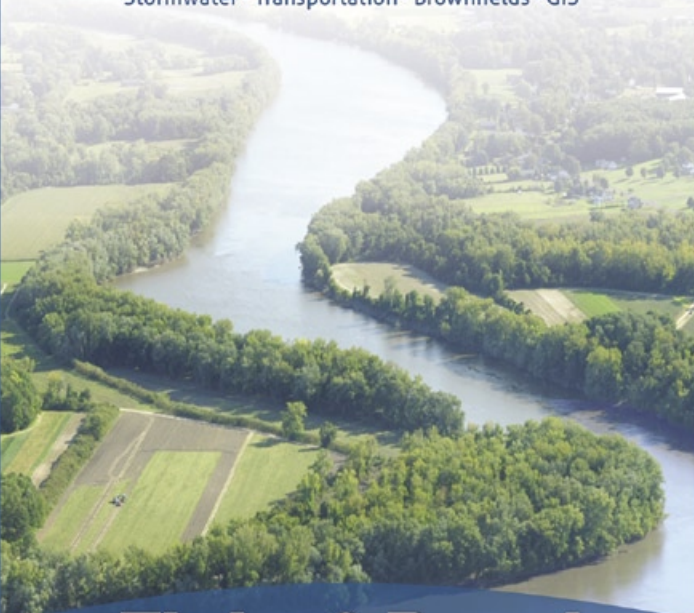
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Typical regional planning involves a fairly standard assemblage of stakeholder groups, such as various levels of government, service providers, utility, infrastructure and economic development interests.

### U.S. Dept. of Defense cont'd

a short time, the JLUS program led to the creation of a JLUS Implementation program. I'm very fortunate as a Planner to be working on both of these types of projects, with my employer, the Matrix Design Group.

These two programs are like regional planning on steroids. Due to the unique nature of military bases and their operations, conducting a JLUS or JLUS Implementation project is very challenging. In general, the JLUS program is designed to foster communication between military installations and adjacent local communities by fostering an open, public forum where diverse viewpoints can be discussed, analyzed and resolved (sound familiar?). A JLUS is funded by the DoD's Office of Economic Adjustment (OEA) through grants to state and local governments. The overall goal of a JLUS is to reduce potential conflicts while accommodating growth, sustaining the economic health of the region, and pro-

tecting public health and safety. In other words, implement a "genre" of regional planning.

### Why should I care about a JLUS? There's no Dahlgren in, or even within 50 miles of, my Town.

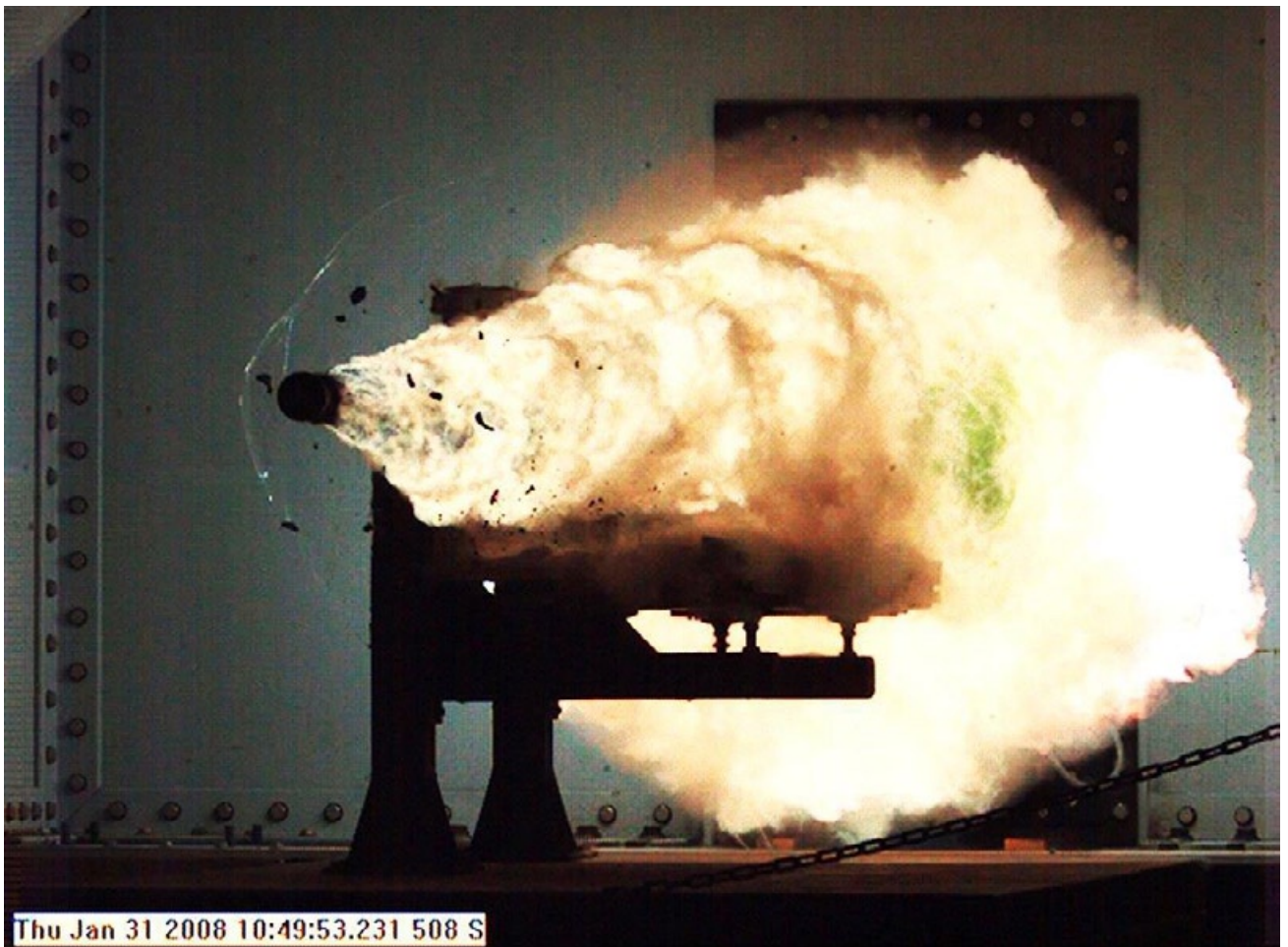
All good questions, but as a good Planner, I know you're always looking for insights that might help you gain an edge. A JLUS simply provides you with a different lens that can help you see "old" things in new ways, which in turn can lead to new approaches, and perhaps to more successful outcomes. Admittedly, a JLUS contains many aspects of "conventional" regional planning, but it also offers at least the following new attributes you might find helpful.

### Expanded Scopes Reveal Latent Common Interests

Typical regional planning involves a fairly standard assemblage of stakeholder groups, such as various levels of government, service providers, utility, infrastruc-

(continued on page 13)

*Dahlgren testing a "rail gun."*



## U.S. Dept. of Defense cont'd

ture and economic development interests. By necessity, a JLUS effort captures all of these plus a much wider audience of interests. For instance, Dahlgren is located in Virginia, but the opposite side of the river is in Maryland. And Dahlgren not only has “air space” issues, but consider how complicated it is to manage a live fire range in a major U.S. river. Like I said, this is regional planning on steroids. To make things even more complex, a JLUS evaluates compatibility concerns based on twenty four different topics or “issues.” These include the standard planning concerns, like land use, housing and transportation, but also more esoteric topics such as radio frequency interference, spectrum capacity, noise and vibration impacts and lighting (point source trespass and general “sky glow”). But wait! There’s more! A JLUS also includes a detailed assessment of relevant inter-agency and “institutional” issues, as well as legislative barriers and opportunities. And if you call in the next five minutes...we’ll throw in a subdivision

code update...at absolutely no cost! Actually, updates to the subdivision code are typically part of the scope too. But I get ahead of myself.

This broader scope brings together interests who, absent the JLUS process, would probably never see a need to communicate, much less a need to collaborate. The JLUS becomes a catalyst for exploration and discovery. It plants seeds that often grow into institutional and operational changes that not only benefit the base and the communities around it, but also the particular stakeholders themselves. For instance, initiatives to reduce point source light trespass onto a base (which impact night training operations) have led to increased awareness of the more general issue of light pollution and to efforts within particular towns and even regions for implementing “Dark Sky” codes and practices. In similar fashion, efforts to address aviation safety within critical flight corridors have led to increased support for farmland preservation, not only as a means of protecting

*(continued on page 14)*

**The JLUS becomes a catalyst for exploration and discovery. It plants seeds that often grow into institutional and operational changes that not only benefit the base and the communities around it, but also the particular stakeholders themselves.**



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## U.S. Dept. of Defense cont'd

viable aggregations of prime farmland (and related infrastructure) but to limit tall structures and incompatible land uses in these areas. Safer air space and fresh produce — a winning combination!

### No Cookie Cutters Allowed

The objective of a JLUS is success, not a pretty document. So great efforts are made to compile and analyze reams of data and information, in order to discover what exactly is legally, politically, operationally, financially and technologically feasible. There is no “cookie cutter” list of strategies in a JLUS, because communities are unique assemblages of people, history and geography — physical, temporal, intellectual and cultural geography. Each approaches issues in its own way and solutions can be tailored to successfully address mutual concerns in ways that do not offend community or institutional preferences. Doing this requires knowledge, skill and tact and a JLUS will employ all of this and more to accomplish its objec-

tives. JLUS implementation tools might include plan and policy amendments, regulatory and code amendments, MOUs and related agreements, operational and procedural changes, project CCRs and development agreements, notifications and disclosures, expanded and ongoing public outreach efforts, and legislative initiatives. The key is to eliminate or mitigate conflicts and to promote long term collaboration in order to sustain the facility and to allow the communities and area interests to thrive. Similar to regional planners where there is no county government, creative solutions are required.

### Establishing, Nurturing and Growing Institutional Relationships

Much of the benefit of a JLUS is intangible, and resulting from relationships established and affirmed over time. A lot can be accomplished simply by getting people with seemingly disparate views together in an informal, social setting for casual conversation. It's very fulfilling to witness people coming together to resolve

*(continued on page 15)*

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## U.S. Dept. of Defense cont'd

common concerns, even if it happens slowly and in fits and starts. Success may take many years, or perhaps may never be completely achieved, but the alternative is certainly less desirable. Frankly, it's amazing to hear people who have lived in a community for years, perhaps in close proximity to base or facility, say how they "never knew what went on there." The JLUS process greatly expands people's understanding of and appreciation for, a given facilities operations and its contributions to the region. Often, as a direct consequence of the JLUS, after-school programs are created, facility tours are provided, community use of base assets is initiated or expanded, and joint community events become a cherished part of the community fabric. These experiences can be transformational. A JLUS (and regional planning) should be a step towards creating a healthier community, not just the creation of another document for the planning office shelf.

## Conclusion

Democracies are inherently messy. As Planners, navigating the savage new wars of the emerging populist is what we do. Being successful at regional planning and implementation requires that you not only see and understand the details of complex systems, but at the same time, that you see and understand big picture themes and principles. The JLUS and its implementation can offer valuable insights and unique perspectives that Planners engaged in more conventional planning efforts can perhaps use to their advantage. ■

*Matt Davis is a Senior Planner with the Matrix Design Group ([www.matrixdesign-group.com](http://www.matrixdesign-group.com)), a multidisciplinary consulting firm with offices throughout the U.S. Most recently he was the Manager of Planning Services for the Town of Groton, CT. Matt has worked as a professional Planner for 30 years in various capacities here in Connecticut, as well as throughout the southwest U.S. and Rocky Mountain states. Matt lives in South Windsor with his wife Kim and their two children, Abigail and Collin.*



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## CCAPA FY 13-14 APPROVED BUDGET\*

### REVENUE

Dues Revenue (AICP & APA Rebate)	\$ 24,000.00
Conference and Workshop	13,200.00
Registration Revenue	
Advertising Revenue	8,400.00
Investment Revenue – Interest	75.00
Other Revenue (Transfer from Reserves)	11,726.22

**Total Revenue** **\$ 57,401.22**

### EXPENSES

Professional Fees – Management (Website)	\$ 6,400.00
Professional Fees – Management (Newsletter)	12,500.00
Professional Fees – Consulting	5,500.00
(Legislative Monitoring)	
Professional Fees – Consulting (Accountant)	1,100.00
Insurance – Other	1,500.00
Supplies – Office Admin (Executive Committee)	100.00
Supplies – Books & Resources (AICP Materials)	100.00
Supplies – Other (Awards)	1,750.00
Telecommunications and E-cost	860.00
Photocopying & Duplicating Cost	50.00
Postage, Handling and Freight	50.00
Printing Cost	300.00
Travel – Lodging	3,711.45
Travel – Food	562.22
Travel – Transportation	1,682.55
Travel – Other	1,585.00
Admin – Bank Fees	400.00
Advertising	500.00
Sponsorships Paid	3,500.00
Grants Paid (Scholarships)	2,000.00
Mtgs Exp – Meal & Beverage Service	8,800.00
Mtgs Exp – Equipment Rental	250.00
Mtgs Exp – Facilities Rental	3,200.00
Mtgs Exp – Honorarium/Speaker Fees	500.00
Other Exp – (Regional Conference – Strat. Plan)	500.00

**Total Expenses** **\$ 57,401.22**

\*As Amended 3/2/2014



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# Government Relations Update — Legislative Session 2014

by Jana Butts Roberson, AICP, Government Relations Committee Chair



This year is a short legislative session with attention focused on the budget, but several bills have emerged which are of interest to CCAPA members, including one promoted by CCAPA.

CCAPA's Government Relations Committee helped promote SB 117 as a legislative fix to *MacKenzie v. Monroe*, a recent CT Appellate Court decision indicating that zoning commissions have no statutory authority to enact flexible zoning regulations. The CCAPA Executive Committee recently voted to pursue a legislative fix after concerns were raised regarding the court's decision. Many zoning regulations currently authorize modifications to zoning standards, usually under certain circumstances. A simple text search for "modify," "waive," or "reduce" in your favorite set of zoning regulations will usually yield a few such examples. In the *MacKenzie* decision, any such dis-

cretionary authority (whether invoked via special permit or otherwise) is only authorized by a zoning board of appeals through the variance process.

CCAPA collaborated on the bill with the CT Home Builders and Remodelers Association which has a similar position on policy; however, there is no shortage of concerns for the proposal. While many planners have expressed support for limited flexibility such as would be authorized by SB 117, others believe it is not appropriate for zoning commissions to flex zoning standards, citing the uniformity requirement in CGS §8-2 (a), the existing variance process, and the ability

*(continued on page 18)*



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Proponents argue that flexible zoning regulations with clearly described criteria serve a valuable and legitimate function by allowing for better building and site design...

## Gov't Relations Update cont'd

to modify zoning regulations through a normal zone text change. Legal queries include concern for how neighbors would be properly noticed and concern for abuse influenced by politics or financial matters.

Proponents argue that flexible zoning regulations with clearly described criteria serve a valuable and legitimate function by allowing for better building and site design (providing a "safety relief valve" when the standard regulations create an undesired outcome), allowing for more opportunity for collaboration between developers and commissions, avoiding the need for a variance and proof of hardship, and by being a useful tool in the implementation of comprehensive planning goals (few POCD's emphasize uniformity as a planning goal). They also cite a strong policy-oriented correlation between the idea of flexible zoning and [CGS §8-26](#) Waivers of Certain Subdivision Regulation Requirements. It is unlikely that the Planning and Development Committee will take action on the bill this

year. Given the wide range of opinions on the matter, a more inclusive conversation is planned.

## Other legislative proposals of potential interest to CCAPA members include:

■ **SB 70** *An Act Concerning the Preservation of Lands under Control of DEEP and DOAG* which would limit the disposition of state-owned properties until a determination is made that the land does not have a high conservation value. This bill is favored by conservation groups but not by DEEP.

■ **SB 94** *An Act Concerning the Publication of Municipal Legal Notices in Newspapers* which specifies that, when municipal legal notices of any kind are required, the full text does not need to be published. Only a brief summary must be provided with a web address that links to the full text. SB 94 seems to have some traction so far this session. This important bill does not repeal the publication

(continued on page 19)

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## Gov't Relations Update cont'd

requirement, but it will greatly reduce the cost to municipalities for otherwise lengthy legal notices and will help establish a more modern and practical mechanism of public notice.

■ **SB 405** *An Act Concerning Public Hearings on Subdivision Applications* which would specify that a planning commission may conduct a public hearing on a subdivision proposal only when such proposal does not comply with subdivision regulations. CCAPA opposes this bill.

■ **HB 5507** *An Act Concerning the Appointment of Zoning Enforcement Officials, Building Officials and Fire Marshals* which would require the chief executive officers of towns, cities and boroughs to appoint zoning enforcement officials in consultation with the zoning commission. While the impetus for this change came from a desire to regionalize municipal services, many feel that CEO's could have

conflicts of interest that might inappropriately influence zoning enforcement actions. CCAPA opposes the changes to Sec. 8-3(e) but supports regional service delivery.

■ **HB 5511** *An Act Granting a Moratorium from the Affordable Housing Land Use Appeals Process Upon Completion of an Existing Incentive Housing Development* which would allow a municipality that has completed a 16-unit incentive housing development to enact a two-year moratorium on all affordable housing appeals. CCAPA echoed the comments of the CT Partnership for Strong Communities in opposing this bill.

As always, CCAPA members are encouraged to monitor legislative developments by watching for the Government Relations Committee email alerts and updates and by checking the CT General Assembly webpage. Please forward questions, concerns, or comments on legislative matters to [janaroberson@outlook.com](mailto:janaroberson@outlook.com). ■



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The Collaborative’s website also features a growing set of best planning practices from across the country.

# A State of Collaboration: The New National Collaborative of State Planners Kicks Off with Positive Feedback

*Contributed by Peter G. Conrad, AICP and Zachary Chissell of the Maryland Department of Planning*

The National Collaborative of State Planners, a new project of the Regional and Intergovernmental Planning Division, was launched in November to create a network within the American Planning Association for state planners in all 50 states. The Collaborative provides a venue to work together and advance effective state-level planning through sharing success stories and ideas.

A survey distributed to almost 350 state planners across the United States yielded an unexpectedly high response rate and a wealth of meaningful feedback that validates that state planners are in-

deed seeking a means for increased collaboration.

“Great idea for a state collaborative...It would be good to know what each state thinks it does best — this may be an entire program and not just a best practice.” — Rhode Island state planner

According to the survey, important issues facing state planners today include climate change, the need for outreach regarding the benefits of statewide planning and the integration of economic development with planning. Additionally, planning for public health is a growing area of interest that is not well addressed.

Survey results showed that with tight budgets, state planners prefer a free online platform to share best practices, seek and provide feedback, and connect with one another. State planners see the most value in tools such as periodic e-newsletters and webinars that address state-level planning issues.

Find more survey results shared on the Collaborative’s website, [www.stateplannersus.wordpress.com](http://www.stateplannersus.wordpress.com).

The Collaborative’s website also features a growing set of best planning practices from across the country. Initiatives such as Massachusetts’ Ocean Management Plan and Delaware’s Strategies for State Policies and Spending are highlighted in addition to multi-state practices such as statewide growth/land use councils.

The National Collaborative is collecting information on state climate change initiatives to be the subject of a webinar this spring. The webinar will explore issues about integrating the related issues of disaster mitigation/response and sea level rise, additional issues identified by survey participants. ■



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# From the Bench



by Christopher J. Smith, Esquire, Shipman & Goodwin, LLP

## Burden of Proof and Complete Applications: *Three Levels Corp.*

In *River Bend Associates, Inc. v. Conservation & Inland Wetlands Commission*, 269 Conn. 57 (2004), the State Supreme Court held that for a municipal wetlands commission to deny an application to conduct regulated activities as provided by the Connecticut Inland Wetlands and Watercourses Act, there must be substantial expert evidence in the record demonstrating that the proposed conduct will result in a specific, actual adverse impact to a wetlands or watercourse. Mere speculation of a potential adverse impact is not enough.



properly denied a wetlands application as incomplete. The Commission found that the applicant failed to produce adequate expert evidence concerning potential adverse impacts to wetlands or watercourses associated with a residential development's proposed septic systems, and soil and erosion control plan. In other words, the applicant didn't sustain its burden of proof.

The Commission's expert engineer agreed that the septic systems for the proposed ten homes satisfied the State Public Health Code and will not generate pathogens that will adversely impact the down-gradient Saugatuck River and its surrounding wetlands. However, the Commission's engineer opined that the applicant failed to demonstrate that chemicals from household wastes, such as pharmaceuticals, cosmetic products, cleaners and detergents, will not adversely impact the subject resources.

The Commission's engineer further testified that the soil and erosion control plan only provided a single line of silt fencing and was not sufficient.

When questioned how to analyze potential household wastes that may be generated from a single-family residential septic system, the Commission's engineer stated that the applicant should look at the concentrations of the household wastes entering the septic system and determine whether the renovation provided within the septic system and adjacent soils is adequate. Insight as to which household chemicals should be reviewed and at what levels was not provided.

In response to the applicant's question as to what standard, in addition to the State Public Health Code, the septic systems should be designed to address potential impacts of household wastes, the Commission's engineer indicated that the applicant is required to demonstrate that the septic systems won't adversely impact a wetlands and that the applicant failed to do so. The Commission provided no guidance as to what design standard beyond the Public Health Code the proposed systems must satisfy.

The Court held that the record "discloses evidence that the plaintiff failed to present information on the chemical impact of the proposed regulated activities sufficient for the commission to determine whether it would adversely impact the wetlands and Saugatuck River." Therefore, it was proper for the Commission to deny the application as incomplete.

### What does *Three Levels Corp.* mean?

As to wetlands applications, a wetlands commission may avoid having to generate expert evidence to rebut an applicant's expert concerning whether a proposal will not result in an adverse impact to a wetlands. The commission may "punt" claiming that the applicant's evidence isn't sufficient, complete or otherwise adequate. It's important to remember that the septic systems in *Three Levels Corp.* complied with the State Public Health Code. The Commission's engineer opined that the systems must also satisfy an unidentified additional

### Three Levels Corp.

In *Three Levels Corp. v. Conservation Commission*, 148 Conn. App. 91 (2014) (released on February 11, 2014), the State Appellate Court may have carved out an exception to, or pulled back, the *River Bend* standard. Although recognizing *River Bend*, the Appellate Court held that a wetlands commission ("Commission")

(continued on page 23)

# Connecticut Planner Profile: Michiel Whackers, AICP

- Current Position:** Deputy Director of Planning, Conservation and Development, City of Middletown
- Hometown:** Born in Amsterdam, The Netherlands but grew up in Woodbridge, CT
- Favorite Places:** Lived for two years on East 43rd St. in Midtown Manhattan and it is still very much a favorite place.

## What made you decide on a career in planning?

I have a bachelor's and master's degree in Political Science, so I wanted to have a career in government. In college and graduate school, I interned for a lot. Some of the experiences that I've had include interning with New Haven's Livable City Initiative, former Senator Hillary Clinton's New York Senate Office, the United States Information Agency (a former branch of the U.S. State Department), and the World Trade Center of North Carolina. These experiences provided me with an opportunity to see where government has a direct impact.

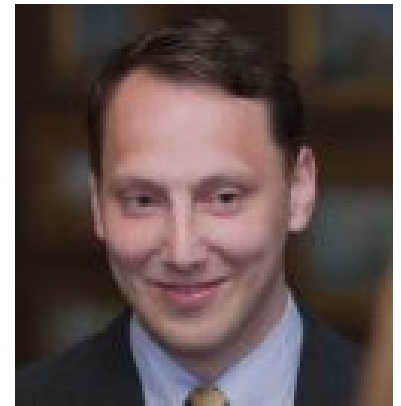
## Why did you decide to be a planner in Connecticut?

I never had any intention on being in Connecticut after I graduated High School. I first went to North Carolina and then to New York City. However, a job opportunity in Middletown was a very attractive environment to work in and the challenges in Connecticut were also an attraction. After living outside of Connecticut, I have come to understand the unique opportunity we have here. Connecticut's home rule status for local governments has often been criticized. It certainly has its drawbacks. However, I have come to see it has been potentially a very flexible system for communities, if they capitalize on this flexibility. The key reason for this opinion is how a community like Middletown participates actively not only in our Council of Governments, but also in cooperative purchasing councils, a regional health district and regional emergency management efforts. It shows the ability for experimentation and the creation of coalitions of willing communities for the benefit of their taxpayers. I think Connecticut has only begun to capitalize on this potential.

## What projects/initiatives are you currently working

Middletown has just finished a very successful planning study for 1.5 miles of our riverfront. We are also working on an urban design study for two important blocks in our downtown. I am starting a new five-year plan for Middletown Community Development Block Grant (CDBG) federal entitlement program to invest \$4 mil-

lion to improve housing, economic development and facilities in the city for low- and moderate-income residents. Middletown is also actively working on remediating and redeveloping numerous brownfields.



## Why did you join CCAPA? What do you like about being a member?


I joined in order to be able to take the AICP exam, as well as for the publications and access to seminars and webinars for AICP credits.

## What regional planning efforts is your department involved in? How has the transition to the new RiverCOG affected you and your work?

The easy work of combining staff from Midstate and Estuary seemed to go smoothly as an outside observer. As community members, we are still working to build a consensus of the policy goals of this new region. There is an active discussion taking place on a number of issues related to transportation infrastructure, our role in fostering economic development and environmental goals. The benefit of the debate is that we have willing participants actively participating. I believe as we get to know each other that we will set a good framework that will work for this new organization for decades to come.

## Do you have any favorite websites/tools/blogs that relate to planning and/or your job that you'd like to share?

The main websites that I consult for planning are the APA website, Planetizen, and the Urban Land Institute:

- [www.planning.com](http://www.planning.com)
- [www.planetizen.com](http://www.planetizen.com)
- [www.uli.org](http://www.uli.org) 



## From the Bench, continued

standard. By holding the applicant to an undisclosed standard as a basis for finding the applicant's application incomplete, the Commission effectively turned *River Bend* on its head.

As to site plan, special permit and subdivision applications, a zoning or planning commission may cite to *Three Levels Corp.* and deny an application as incomplete claiming that an applicant has not provided an adequate septic system design, soil and erosion control plan, traffic report or stormwater quality analysis.

A reviewing court will determine whether the record supports a finding by a commission that an applicant's application is incomplete. Denying a land use application as incomplete is not new law. However, *Three Levels Corp.* grants seemingly broad discretion to a commission on this issue.

We've not heard the last of *Three Levels Corp.* ■

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