

STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT

February 22, 2011

This is in response to the comments you submitted concerning the proposed transfer of the Seaside Regional Center.

As you are aware, the State is in the process of selling the former Seaside Regional Center (Seaside) which is located on Shore Road in Waterford and as such the Department of Public Works (DPW), in accordance with CGS 4b-47, placed the required public notice in the *Environmental Monitor* and the public was afforded the opportunity to comment upon the proposed transfer of this property.

No Identified State Reuse

In January 2008, the State solicited reuse proposals from State agencies for the Seaside property. One agency, the Department of Public Safety, did submit a reuse proposal to utilize a structure on the property; however, that request was denied by this office. The Department of Environmental Protection's (DEP) comments indicate that DEP is currently working with DPW to transfer a Conservation and Public Recreation Easement on the subject property to the DEP. When the property is sold, the easement would assure public access to the entire waterfront portion of the site in perpetuity.

Determination of Current Market Value

To determine the current market value of the Seaside property, DPW obtained two (2) independent appraisals. The \$8 million purchase price exceeds the current market value for the property as established by these appraisals.

Town of Waterford's Establishment of the Seaside Preservation Zoning District

Since the State does not establish local zoning, the type and density of any future development on the property will be subject to the local zoning laws which have been established, and will be enforced, by the Town of Waterford.

Public Access, Open Space and Recreation

Prior to disposition of the property, the Conservation and Public Recreation Easement will ensure public access to Long Island Sound for passive recreation in perpetuity. The easement area will include the entire length of waterfront, all land within the 500-year flood zone, some adjacent upland area and access from Shore Road. Dedicated public parking and appropriate signage will be provided. The DEP will determine allowed and prohibited uses within the easement area as well as hours of operation.

In addition, the Seaside Preservation Zoning District, Section 17a.11 of the Town's zoning regulations states that *"All areas not approved for development as defined shall be set aside as permanent open space or recreation area in perpetuity to be held in common by the owners within the district."*

Connecticut Environmental Policy Act

After granting of the easement, the property is being conveyed in "as is condition." Therefore, the transaction is not considered to be a state action that would trigger the preparation of an Environmental Impact Evaluation pursuant to CEPA.

Natural Resource Inventory

The conservation easement area, which includes the entire waterfront and most of an existing watercourse, will protect any significant ecological resources on the property. The balance of the property is essentially developed, with lawns and buildings.

Site Plan Approvals

With regard to site plan approvals, Section 17a.12 of the Town zoning regulations states that "A site plan shall be submitted to the Commission in accordance with the provisions of Section 22 of these regulations and the purpose of this district, and no building or structure, parking lot, or outdoor use of land shall be used, constructed, enlarged, or moved until said site plan has been approved by the Commission. The development shall be constructed in accordance with these Regulations and the site plan as approved by the Commission. Changes to the approved plans may be made, the extent of which shall be set forth in the special permit."

In addition, as part of local planning and zoning approvals, the Coastal Site Plan Review requirements of sections 22a-105 through 22a-110 of the Connecticut Coastal Management Act would be applicable.

Development & Design

The design of any development of Seaside will be guided by Section 17a.13 of the Town zoning regulations which states "The architectural and site design of all buildings and improvements within the Seaside Preservation District, including typical floor plans and building elevations drawn to scale showing the exterior materials and treatment to be used, shall be submitted. The Plan submission shall specifically show how the development will result in the preservation and re-use of the Main Building, Employee Building I, the Duplex and the Superintendent's House, how the principal use is to be primarily located in these buildings and how all new construction will be integrated into a cohesive and unified development plan. The development shall be constructed in accordance with these design plans and the special permit shall specify the manner in which any changes to the design elements may be made."

Department of Public Works Request for Proposal (RFP) Process

The RFP for the sale of Seaside was conducted by the DPW and the disclosure of any information concerning the RFP process at this time shall be subject to applicable State law or regulation.

Council on Environmental Quality

Requests related to suggested actions which should be undertaken by the Council on Environmental Quality (CEQ) should be sent directly to CEQ which can be reached at (860) 424-4000 or www.ct.gov/ceq

Subdivision of the Property

With regard to suggestions that the Seaside property be subdivided; it is the State's intent and desire to sell the Seaside property as a single parcel.

Harkness Memorial State Park

Comments concerning the operation of Harkness Memorial State Park should be directed to the Department of Environmental Protection (DEP). DEP can be reached at (860) 424-3000 or www.ct.gov/dep

Leasing of the Property

It is the intent and desire of the State to sell the Seaside property.

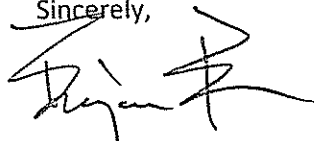
Public Informational Meetings

The disposition of the Seaside property is being conducted by the DPW in accordance with all applicable statutes, including Connecticut General Statute 4b-21 which does not include a public informational meeting requirement.

Alternative Proposals

With regard to suggestions for various alternative proposals; as the DPW's RFP process has concluded no alternative proposals are being solicited.

Sincerely,



Benjamin Barnes
Secretary

O'Brien, Patrick M.

From: Wagener, Karl
Sent: Wednesday, June 16, 2010 3:46 PM
To: O'Brien, Patrick M.
Cc: Kopetz, Kevin; Marrella, Arney
Subject: Comments on Proposed Transfer of Seaside Regional Center
Attachments: Seaside Comments 6-16-2010.pdf

Please find attached the Council's comments on the proposed transfer of the Seaside Regional Center.

Karl Wagener
Executive Director
Council on Environmental Quality
860-424-4000
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STATE OF CONNECTICUT

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Executive Director

June 16, 2010

Patrick O'Brien
Office of Policy and Management
450 Capitol Ave. MS#52 ASP
Hartford, CT 06106-1379

RE: Proposed Transfer of Seaside Regional Center

Dear Mr. O'Brien:

The Council on Environmental Quality discussed the proposed transfer of the Seaside Regional Center property at its May 26, 2010 meeting and, pursuant to a motion adopted at that meeting, offers the following comments:

1. Importance of Public Access – C.G.S Section 4b-47 specifically highlights recreational resources: "Such comments [from state agencies regarding a proposed transfer] may include, but shall not be limited to, significant natural and recreational resources on such land and recommend means to preserve such natural or recreational resources." The shoreline of this property contains significant recreational resources, and people use the shoreline regularly for walking, photography, birdwatching, fishing and other purposes. Preserving access to the shoreline must be a high priority of all state agencies. As the Council noted in its January 27, 2010 letter to Commissioner of Public Works Raeanne Curtis, all relevant state policies encourage enhancement of public access to the shoreline:

"As you know, our Conservation and Development Policies Plan contains numerous references to preserving and enhancing public access to the shore, even as the shoreline gets developed. For example, agencies shall "Undertake development activities within coastal areas in an environmentally sensitive manner consistent with statutory goals and policies set forth in the Connecticut Coastal Management Act. Emphasize public access to the waterfront and the priority of water-dependent uses in waterfront development." Other examples area attached to this letter for your reference.

The important point, in the Council's view, is that any sale and development of the Seaside property does not need to preclude public access. The Council recommends that your agency consider only those proposals that preserve access to the shoreline.

Beyond the overall need for more public access to the shore, there is a reason for our recommendation that is prompted by the property's unique attributes. The shoreline there is relatively level. Citizens in wheelchairs or with conditions that limit mobility could gain access relatively easily to several points where they could spend time relaxing by the water, observing the wildlife and scenery, and enjoying an experience that is rare for them. Recent census data that show Connecticut's population to be aging highlight the need to plan ahead for the not-very-distant future. This is no time to forget the plans that have been prepared over many years that highlight the need and desire for public access (also attached)."

[The attachment referenced in the above excerpt is also attached to these comments.]

2. Recommended Means to Preserve Public Access – The Council is aware that the proposed buyer has stated his intent to provide public access. However, once the state cedes all regulatory control over future development activity to a municipality, where is the assurance that the intent of the state and developer will be approved (especially if any municipal approvals are appealed to the courts)? The preservation of public access is too important to trust to an uncertain process. The Council strongly recommends that the State of Connecticut grant appropriate conservation and access easements to the appropriate body (probably the Department of Environmental Protection) prior to the transfer of the property. The Council also suggests that the boundaries of the areas subject to easement should be established after consideration of rising sea levels so that, after a few decades, the public is not left with access on submerged land and nothing else; the DEP should be able to advise on the appropriate boundaries.

3. Natural Resources Inventory – The Department of Public Works has in its possession a draft inventory of the natural resources of the property, including wildlife habitats, soils, geology, flood zones and archaeological resources, prepared by Baystate Environmental Consultants. The inventory of existing conditions was intended to be the foundation of an Environmental Impact Evaluation (EIE), but the EIE was never completed. The Baystate study reportedly cost more than \$100,000. There should be no need to conduct another inventory. However, because the 2007 inventory was never circulated for review and comment, the DEP should be asked to review the inventory for adequacy. The inventory then should be used to identify the important areas that need to be preserved.

4. Need for an Environmental Impact Evaluation – Normally the Council would expect to review an EIE for a proposed transfer of this size. It is the Council's understanding that the Department of Public Works has determined that no EIE is required because "Seaside shall be sold in 'as is' condition without any requirements as to its future use" and "the State does not intend to exercise any discretion regarding the property other than the regulatory and police powers vested in the State and its agencies by virtue of law." The public notice discusses the possibility of conservation and public access easements. The Council suggests that retaining access and conservation rights as recommended

above would not constitute imposition of requirements as to the property's future use. However, without being able to review the purchase and sale agreement, the Council cannot offer a recommendation as to the need to conduct an Environmental Impact Evaluation.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara C. Wagner". The signature is fluid and cursive, with the first name being the most prominent.

Barbara C. Wagner
Chair

CC: Amey Marrella, Commissioner of Environmental Protection
Kevin Kopetz, Department of Public Works

Attachment to January 27, 2010 Letter to DPW Re: Seaside Regional Center

Excerpts from the Conservation and Development Policies Plan, 2005-2010:

Public access to Connecticut's rivers and Long Island Sound should be expanded and improved, especially in light of major, continuing public investments to restore the quality of these resources.

Develop management plans that maximize multiple uses of state-owned lands, and *encourage collaborative ventures with municipal and private entities* [emphasis added] to provide, protect, and manage recreation and habitat lands, emphasizing:

- o New water-based recreation sites that are consistent with other resource protection requirements;
- o Access to Long Island Sound shoreline areas of highest recreational potential, with recommendations for state-first option for purchase, lease-back, easements, and other incentives to maintain and increase public access to coastal areas, or to acquire through emergency purchase high-hazard coastal areas;

Excerpt from the Connecticut Statewide Comprehensive Outdoor Recreation Plan (SCORP), 2005-2010:

"Acquisition of new water-based recreation sites is a recognized need, as discussed in *The Green Plan* and later in the *Coastal Access Recreation Survey Project*, and in previous Connecticut SCORPs. Water access has long been cited as Connecticut's most critical recreational need, and our review system for potential property acquisitions has consistently favored water access as a top priority." (p.29)

Excerpt from the Connecticut Recreational Trails Plan:

"Whenever feasible, provide parking and access for persons with disabilities. Although not every trail in the state will be accessible for people with disabilities, the DEP will make every attempt to identify areas where physically challenged individuals may have a positive recreational experience."