

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.

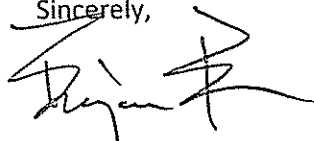
Public Informational Meetings

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: david bingham [dbbingham@sbcglobal.net]
Sent: Thursday, May 27, 2010 5:42 PM
To: O'Brien, Patrick M.
Cc: Kopetz, Kevin
Subject: Comments on Seaside transfer
Attachments: SeasidetransferComment.doc

See attached comments regarding the transfer of 36 Shore Road, Waterford

David Bingham
50 White Birch Rd
Salem, CT 06420

Seaside Transfer

Land transfer from State ownership to municipalities or private entities results not only in a transfer of the land itself but also in a transfer of the statutory process required for permitting of land use and development. State and municipal planning processes differ significantly.

If a parcel of land owned by the State is to be developed, the process is governed by the Environmental Policy Act. Evaluation of the location starts with studies to ascertain the natural, archeological and historic resources present. These studies are made available to the public, providing an opportunity for citizens knowledgeable about the resources to provide additional information at a public hearing ("scoping process").

Thus, when a State development plan is created, an Environmental Impact Evaluation (EIE) can be produced which recognizes the underlying resources to be protected or mitigated. Public comment is then sought regarding the alternatives for development and the necessity and/or adequacy of the mitigation plan.

Clearly, the State is obligated to protect its resources under the Environmental Policy Act. The process has been developed to assure proper planning and a full evaluation of the goals, impacts, mitigation and available alternatives, before construction begins, so that the public interest can be fully served by the project. Benefits and adverse impacts to the State's resources are thus balanced by each project, and if the liabilities of the project outweigh the benefits, the project must be modified or cancelled.

However, when a municipality or an individual plan a project, the local Planning and Zoning regulations govern planning. There is no assurance that a proper natural resource or archeological or historical inventory will be obtained. There is no requirement for an EIE. Mitigation of adversely impacted environmental resources is not required.

Private development plans often proceed without knowledge or concern of sensitive areas or conditions, and without consideration the overall balance of benefits versus liabilities to society as a whole. Mitigation tends to be required only for impacts to wetlands, but not to impacts on energy use, forest and riparian corridor integrity, wildlife corridors and nesting sites, threatened or endangered species, etc., etc. Generally, the guiding local principle seems to be that the more property tax that can be generated, the better the project.

Seaside is a special place, in a sensitive coastal location where migrating birds and butterflies find shelter as they arrive from across the sea, where horseshoe crabs lay eggs for their successful survival while nourishing migrating shorebirds. The parcel provides an opportunity as a mitigation site for other coastal zone projects: The seawall should be replaced with a natural dune system to protect against erosion and provide more habitats. Land that is outside the current footprint of past development should be the limit of any new development, unless essential coastal zone infrastructure is to be provided.

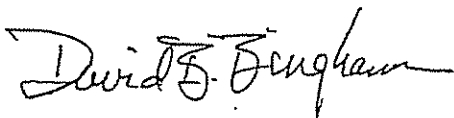
If the land transfer does occur, the transfer agreement should be crafted to provide a process to protect these resources, equivalent to the State process. A list of considerations follows below.

**Elements of transfer agreements to assure a planning
process compatible with the Environmental Policy Act**

To protect the public interest, State land transfer agreements should include the following :

1. A full natural resource inventory, including archeological and historical site evaluation, preferably done by the State prior to transfer (so that the State can know what resources it is transferring), or required by the developer prior to any development plan approval. Adequate biodiversity surveys may require evaluation in all seasons of the year, if sensitive areas are present and potentially impacted (such as wetlands, coastal zone, riparian corridors, etc.).
2. Assurance of protection of the important resources found in the plan, or mitigation of those resources that are adversely impacted. When sensitive resources are known by the State (as in the case of Seaside) the agreement can be provide that the sensitive portion of the parcel remains in State hands, or a conservation restriction can be crafted to protect those areas from development. (In the case of Seaside, it is suggested that only the currently developed portions of the land be transferred, to include the building footprints and immediate yards, along with the current driveway and parking area. The State should retain ownership in fee or by easement all lands that is outside the currently developed portion of the property, i.e., along the seashore, the wetlands on the parcel, and the undeveloped upland areas, to allow the possibility of dune restoration adjacent to the shoreline.)
3. Required mitigation planning for all adverse resource impacts to be approved by the State prior to the local municipal approval of a site plan,
4. Monitoring by the State during construction and in the future, to assure compliance.

Such an approach will avoid the possibility of losses of State resources that may be undiscovered before construction, and avoid the costly and untimely litigation that tends otherwise to come only just as the bulldozers arrive. This agreement should expedite a worthy project, without compromising the public interest, while eliminating development that is not in the public interest.



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