

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On January 17, 2013 State Office Building, Hartford, Connecticut

The State Properties Review Board held its regularly scheduled meeting on January 17, 2013 in the State Office Building.

Members Present: Edwin S. Greenberg, Chairman
Bennett Millstein, Vice Chairman
Bruce Josephy, Secretary
Mark A. Norman
John P. Valengavich
Pasquale A. Pepe

Staff Present: Brian Dillon, Director
Mary Goodhouse, Real Estate Examiner

Chairman Greenberg called the meeting to order.

Mr. Josephy moved and Mr. Norman seconded a motion to enter into Open Session. The motion passed unanimously.

OPEN SESSION

ACCEPTANCE OF MINUTES OF JANUARY 10, 2013. Mr. Norman moved and Mr. Valengavich seconded a motion to approve the minutes of January 10, 2013. The motion passed unanimously.

COMMUNICATIONS

Freedom of Information Commission Docket #FIC 2012-253. The Board received a Complainant's Brief Opposing Proposed Final Decision, dated January 11, 2013, concerning the above-referenced FOIC Docket.

REAL ESTATE- UNFINISHED BUSINESS

PRB # 12-302 **Transaction/Contract Type:** RE / Voucher
Origin/Client: DOT / DOT
Project Number: 107-167-029
Grantor: Richard C. and Deborah B. Scarpetti
Property: 80 Hill Parkway, Middlebury, CT
Project Purpose: Oxford Airport Federal Aviation Regulation, Part 150 Noise Study
Item Purpose: Acquisition of 0.46+/- acres of land, in fee, together with all improvements situated thereon, a "total take".

At its meeting on December 20, 2012, the Board voted to return this proposal to the DOT for renegotiation of the purchase price. The project is a voluntary total taking of 0.46 acres (20,000 SF). The property is reported to be mostly level lot improved with a ranch style home (1966) in average condition. The gross living area is 1,272 sq. ft. above grade including 7 rooms with 3 bedrooms and 1 bath. The basement level is unfinished. The one-car garage was converted to two rooms with handicap access. There is a public sewer system and private water well. The zone is R-40, and the current use is a non-conforming, legal use.

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Appraiser Edward P. Sass employed the Sales Comparison Approach and relied on one sale in Southbury and two sales in Middlebury of similar properties, occurring between 4/29/2011 and 12/28/2011. Prior to adjustment, the sale prices ranged from \$268,000 to \$307,500. After adjusting for site, condition, gross living area, finished area and design features, the sales indicated a value range from \$234,400 to \$235,500. Appraiser Sass assigned a value of \$235,000.

The Board questioned DOT's decision to purchase the property for \$265,000 which is 12.8% above appraised value. In the Board's opinion, the appraisal accurately reflected the property's condition and market value, subject to the hypothetical condition that it was not located in a neighborhood affected by airport noise levels. The Board communicated to DOT that the increase had not been adequately supported, and returned the file to DOT.

On January 10, 2013 DOT resubmitted the proposal, reducing the purchase price to the appraised value of \$235,000 which is a reduction of \$30,000. SPRB staff recommended approval for the acquisition of property at 80 Hill Parkway, Middlebury, for \$235,000 for the following reasons:

1. DOT has authority under Section 13b-44 to establish and maintain state airports, and acquire any lands determined to be necessary to improve the adequacy of existing state airports.
2. DOT has authority under Section 8-273a to provide relocation assistance and undertake the acquisition of real property on a federally funded project provided the acquisitions and relocation payments and assistance procedures comply with the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act.
3. The appraisal report prepared by Edward P. Sass as of 2/18/12 supports the purchase price.

REAL ESTATE- NEW BUSINESS

Mr. Josephy moved and Mr. Norman seconded a motion to go out of Open Session and into Executive Session. The motion passed unanimously.

EXECUTIVE SESSION

PRB # **13-005** **Transaction/Contract Type:** Purchase & Sale Agreement
Origin/Client: DAS/ DAS

Statutory Disclosure Exemptions: 4b-23(e), 1-200(6) & 1-210(b)(24)

The Board commenced discussion of the proposed Agreement at 11:05 a.m. and concluded at 11:12 a.m.

Mr. Josephy moved and Mr. Norman seconded a motion to go out of Executive Session and into Open Session. The motion passed unanimously.

OPEN SESSION

PRB # **13-002** **Transaction/Contract Type:** RE / Voucher
Origin/Client: DOT / DOT

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Project Number: 163-200-001
Grantor: Christopher Munson and Ronald Nieves
Property: 147 Windham Center Road, Windham, CT
Project Purpose: Route 203 Windham Center Road Improvement Project
Item Purpose: Acquisition of a 1,114± SF easement, a 669± SF sight line easement, a 400± SF drainage right of way and additional compensation for the contributory value of site improvements all for highway purposes.

Ms. Goodhouse reported that the Grantors own a corner property at the intersection of Windham Center Road (Route 203) and Jerusalem Road, Windham. They established what appears in the photos to be an arbor vitae hedge that created a sight line obstruction to the motoring public at the intersection. After receiving complaints from the public, the DOT surveyed the corner and found that the trees in question were on the Grantors' private property. The survey also found that a portion of the pavement for Route 203 is on the Grantors' property. Since the trees are creating an obstruction, on July 12, 2012 DOT attempted to reach a temporary agreement for their immediate removal. The Grantors did not allow the immediate entry because in addition to the highway encroachment, the Grantors wanted the State to acknowledge that it was draining highway water onto the subject property without the benefit of an easement or paying compensation. The DOT installed warning signs at the intersection.

The affected property at 147 Windham Center Road is 1.0± acres improved with a single family residential dwelling. The zone is R-3. The DOT Estimate of Compensation (EOC) worksheet indicated that except as noted below the takings will not significantly affect the dwelling, access driveway, or remaining site improvements. DOT established a rate of \$2.50 /SF for this taking, and offered compensation as follows:

ACQUISITION ITEM	VALUATION	COST
Defined easement for highway purposes	1,114 SF x 99% x \$2.50	\$2,757.15
Defined sight line easement	669 SF x 99% x \$2.50	\$1,655.78
Easement to Drain	400 SF x 50% x \$2.50	\$500.00
Contributory value of trees	Lump Sum	\$4,000.00
TOTAL COST	\$8,912.93	\$8,950.00

A negotiation resulted in an agreement of \$10,000. The additional amount will be paid as compensation for previous drainage discharges onto the property. A DOT investigation found that an improperly maintained drainage drywell was filled with sediment and caused roadway water to freely flow onto the private property, causing erosion and soil saturation. Routine maintenance has corrected the problem.

SPRB Staff recommended Board approval for the following reasons:

1. The acquisition complies with Section 13a-73(c) of the CGS which governs the acquisition of property by the commissioner of transportation required for highway purposes.
2. The acquisition value is supported by the EOC report prepared by DOT, and the increase in compensation from \$8,950 to \$10,000 compensates the property owner for the damage done by the water discharge.

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3. The negotiation resulted in DOT gaining an immediate right of entry to remove the trees, ending the sight line hazard.

ARCHITECT-ENGINEER - UNFINISHED BUSINESS

ARCHITECT-ENGINEER – NEW BUSINESS

OTHER BUSINESS

The Board took the following votes in Open Session:

PRB FILE #12-302 - Mr. Norman moved and Mr. Millstein seconded a motion to approve PRB File #12-302. The motion passed unanimously.

PRB FILE #13-002 - Mr. Josephy moved and Mr. Millstein seconded a motion to approve PRB File #13-002. The motion passed unanimously.

PRB FILE #13-005 - Mr. Pepe moved and Mr. Norman seconded a motion to suspend PRB File #13-005 pending receipt of additional information from the Department of Administrative Services. The motion passed unanimously.

The meeting adjourned.

APPROVED: _____ **Date:** _____
Bruce Josephy, Secretary