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HB 7878 (79-535) 1979

Coastal area management

House 2542, 10,166 – 10,339 175

Senate 1034, 5142-5186 46

LAW/LEGISLATIVE REFERENCE
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First of all, this isn't just a matter of a coastal town. This is ecology that affects the whole world, and I'm not overstating that case. If Chesapeake Bay were to be ruined that would be within the jurisdiction of Maryland and Virginia, yet the impact of that would be felt in Indianapolis, in Sacramento, in Paris and in Shanghai.

When you read of two oil tankers colliding off Capetown, which is about 53 degrees south latitude, you say that's a long ways away. But, that impacts us. That gets here eventually. I have seen oil spills in ocean 250 miles southeast of Bermuda. Now, this world is in very great danger and this is part of the resources of the world that lies within our control. I think this is an important thing. This isn't just a matter of local chambers of commerce or local jurisdictions. I think the bill has been created in such a way to give the maximum allowable control to local jurisdictions. And, the more I hear the amendments that are being set forth here, the more I think they're hastily drawn up, foolish, asinine, ungrammatical, and not germane to any point.

And, the more I hear the replies from the members of this committee, the more I think we owe them a vote of thanks for the good job they're doing on this bill. Nobody can do a job of this complexity with perfection. We're only human, but I think they have done a wonderful job on this bill and I think we ought to

vote it in and I think we ought to stop this fooling around with amendments until everyone wishes they had gone into some other line of work. Thank you, Mr. Speaker.

SPEAKER ABATE:

Will you remark further on this bill?

REP. MAZZA: (115th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Vito Mazza.

REP. MAZZA: (115th)

With all due respects to Rep. Wall when he speaks about asinine amendments, I'd like to know how this bill is going to prevent an oil tanker collision 250 miles off the coast of Bermuda.

Mr. Speaker, the Clerk has an amendment LCO 8926. Would the Clerk please call and read. And, I think this will be my last one, Mr. Speaker.

SPEAKER ABATE:

Did the gentleman say he thinks this will be his last amendment? Is that what I heard the gentleman say?

REP. MAZZA: (115th)

If I hear any more disparaging remarks. I'm sorry, Mr. Speaker.

SPEAKER ABATE:

The Clerk has in his possession an amendment LCO No. 8926, designated House Amendment Schedule "N". Would the Clerk please call and read the amendment.

CLERK:

LCO 8926, offered by Rep. Mazza of the 115th.

In line 1264, after the word "act" insert "OR CONFORMS TO ANY MUNICIPAL PLAN LISTED IN SUBSECTION (d) OF SECTION 7 OF THIS ACT ADOPTED FOR THE MUNICIPALITY PRIOR TO THE EFFECTIVE DATE OF THIS ACT." In line 1264, after the semicolon, insert the word "AND".

SPEAKER ABATE:

The amendment is now in your possession, sir. What is your pleasure?

REP. MAZZA: (115th)

Mr. Speaker, I move for its adoption.

SPEAKER ABATE:

The question is on adoption of House Amendment Schedule "N". Will you remark on its adoption?

REP. MAZZA: (115th)

Yes, Mr. Speaker, very briefly. What this amendment means is that any plans that have been adopted in a municipality, and I say adopted prior to the effective date of this act, would be effective in lieu of this act. Mr. Speaker, I move for adoption of the amendment.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "N"? Will you remark further on its adoption? If not, all those in favor of its adoption --

REP. GLICKSON: (137th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Glickson.

REP. GLICKSON: (137th)

Thank you, Mr. Speaker. I oppose the amendment because it would mean that any project that's incorporated in any sort of a municipal plan of development or similar plan, no matter how long ago that plan might have been adopted and no matter how many years in the future, no matter how speculative that plan might have been when it was adopted, it would allowed under this act, even if it was totally inconsistent with the requirements of the act. I think we all recognize that these types of plans are made for the far future and there are all kinds of things that may have been adopted many years past. They shouldn't receive a blanket exemption.

I think also it would lead to a rush to get ill-considered projects into municipal plans before the effective date of the act. I would urge opposition to the amendment.

SPEAKER ABATE:

Will you remark further on the adoption of House "N"?

REP. ANDERSON: (106th)

Mr. Speaker.

SPEAKER ABATE:

Rep. John Anderson.

REP. ANDERSON: (106th)

Mr. Speaker, really what this amendment does is it ruins a site plan review and as has been pointed out, any outdated plans no matter how far back they go and how outmoded they are would eligible. It's a very poor amendment and I urge rejection.

SPEAKER ABATE:

Will you remark further on the adoption of House "N"?

REP. MAZZA: (115th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Mazza.

REP. MAZZA: (115th)

We have a situation in our town where 30 acres of property are affected. The city under statute has made an agreement with developers five years ago. The State Supreme Court has ruled that the city must conform with state statute under that plan. My question to one of the proponents is, if this bill were to pass, what would be the effect of the Supreme Court decision in

the State of Connecticut affecting the development plan of the 30 acres of land on my shoreline?

REP. ANDERSON: (106th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Anderson.

REP. ANDERSON: (106th)

Through you, sir. An answer to that question. It's up to the municipality to develop their own plan and that they can include in it.

SPEAKER ABATE:

Rep. Mazza, will you pursue a line of questioning, sir?

REP. MAZZA: (115th)

Yes, Mr. Speaker. Unfortunately, the answer was not the answer I was looking for. What I am saying here is the State Supreme Court has already made a decision based on state statute. There is nothing the city can do to change that. What I am asking for is if this bill were to be approved as is and for the legislative intent for the record, what would happen to our redevelopment plan as already approved by the developers and already declared by the Connecticut State Supreme Court under statute? If it doesn't conform to this bill?

REP. ANDERSON: (106th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Anderson.

REP. ANDERSON: (106th)

Mr. Speaker, this bill is not retroactive and it certainly does not include in it any turnings of any decisions of the Supreme Court. It cannot turn over any of those decisions. Thank you.

REP. MAZZA: (115th)

All right. To further continue, through you, Mr. Speaker.

SPEAKER ABATE:

Rep. Mazza.

REP. MAZZA: (115th)

Just to clear up the legislative intent, if this bill were to pass, Rep. Anderson, in its present form and some of the restrictive alternatives offered in the bill, you're saying they would not supercede the previous decision of the State Supreme Court?

SPEAKER ABATE:

Rep. Anderson, sir.

REP. ANDERSON: (106th)

Mr. Speaker, through you. Maybe the proponent can rephrase the question because he is not clear.

REP. MAZZA: (115th)

Through you, Mr. Speaker.

SPEAKER ABATE:

Rep. Mazza.

REP. MAZZA: (115th)

For legislative intent, if the bill passes in its present form without any additional amendments, the plan that our city has adopted for redevelopment, which in a federal redevelopment area by the way, those 30 acres, which would take precidence, the bill as it is before us or the redevelopment plan approved by the city and its developers and declared constitutional by the Connecticut Supreme Court?

SPEAKER ABATE:

Rep. Glickson, will you respond to that inquiry?

REP. GLICKSON: (137th)

Yes, through you, Mr. Speaker. One of the reasons the answers are slow to this question is because it's extremely difficult to determine the point at which a land use proposal has proceeded so far that subsequent changes in the law can no longer affect it. I can't comment, obviously, in detail about the specific court decision which the representative refers to because I haven't read it. I can only suggest that it would be inappropriate and, conceivably, unnecessary with reference to this project for this body to make an amendment to this bill of such broad scope merely in order to save one project. The general priniciple involved is that at a certain point in the

course of a development, the developer has proceeded so far, has expended so much time and effort and money that as a constitutional matter, his rights to complete that development have vested, in legal terms. And, that subsequent changes in the law cannot prevent him from continuing that project as he had originally planned. Since I don't know the exact stage to which the redevelopment in West Haven has proceeded, it simply is impossible to give an opinion as to whether private rights may have vested there. I really would suggest to Rep. Mazza that this is probably an issue that will have to be resolved in the courts and it is, in effect, a request for an amendment of special application which is much too broadly drawn for this bill. I think it ought to be opposed for that reason.

REP. MAZZA: (115th)

Through you, Mr. Speaker.

SPEAKER ABATE:

Rep. Mazza.

REP. MAZZA: (115th)

I thank you, Mr. Spekaer, and I sense here that the question obviously cannot be answered. I will say that the particular case in point has been three years in court and we're not only talking about private developers, we're not only talking about the city, but we're talking about the federal government which is part of that redevelopment plan.

I think in light of the answer, Mr. Speaker, it's imperative that we do for legislative intent purposes, do pass this amendment so that we can be assured that that Supreme Court decision will be upheld and it is very important that this amendment does pass in order that there be no conflict after the passage of this bill.

SPEAKER ABATE:

Will you remark further on the adoption of House "N"?

REP. CASEY: (118th)

Mr. Speaker.

SPEAKER ABATE:

Rep. T. J. Casey.

REP. CASEY: (118th)

Mr. Speaker, just in response to Rep. Mazza's inquiries regarding his particular problem and the Supreme Court decision, this legislation will not take precedence over the Supreme Court decision if West Haven decides to go along with the program, it will supply their coastal site plan with the inclusion of this project in it for review and acceptance. It will not effect the decision at all.

SPEAKER ABATE:

Will you remark further?

REP. MAZZA: (115th)

Mr. Speaker, through you, we had Attorney Glickson who could not answer the question as an attorney and I don't believe

the Representative is qualified to make that decision.

REP. CASEY: (118th)

He was speaking for the third time, Mr. Speaker.

SPEAKER ABATE:

Rep. Mazza, the Chair would caution you sir that you did address that issue for the third time. That was not certainly a question that you put to Rep. Casey and the Chair would just remind you that in order to address an issue more than two times in this Chamber, pursuant to the rules, you must seek the unanimous consent of the Chamber. Rep. Casey, you have the floor.

REP. MAZZA: (115th)

Sorry, Mr. Speaker.

REP. CASEY: (118th)

I am not a lawyer but I do know the legislative intent, as we all here, we're not all lawyers but we deal with the legislation every day and I think that I can voice my opinion of what the intent of this legislation was directed towards.

SPEAKER ABATE:

Will you remark further on the adoption of House Amendment Schedule "N".

REP. GLICKSON: (137th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Glickson.

REP. GLICKSON: (137th)

Might we have a roll call vote on this at the appropriate time?

SPEAKER ABATE:

The question is on a roll call vote. All those in favor please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

In the opinion of the Chair the requisite 20% having been satisfied, when the vote is taken, it will be taken by roll. Will you remark further on the adoption of House Amendment Schedule "N"?

If not, would all members please be seated. Would all staff and guests please come to the Well of the House.

The machine will be opened.

The House of Representatives is voting by roll at this time. The members please return to the Chamber immediately.

The House is voting by roll at this time. Would the members please return to the Chamber immediately.

Have all the members voted?

Have all the members voted?

Would the members please check the roll call machine to determine if their vote is properly recorded.

The machine will be locked. The Clerk will take the tally.

REP. ROBERTI: (126th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Roberti.

REP. ROBERTI: (126th)

In the affirmative, sir.

SPEAKER ABATE:

The Clerk will so note, sir.

The Clerk please announce the tally.

CLERK:

House Amendment "N" to House Bill 7838.

Total number voting	139
Necessary for passage	70
Those voting yea	35
Those voting nay	104
Those absent and not voting	12

SPEAKER ABATE:

House "N" fails.

Will you remark further on this bill as amended by House Amendment Schedule "A", "C", and "I".

REP. BELDEN: (113th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Richard Belden.

REP. BELDEN: (113th)

Mr. Speaker, I don't represent a town that has coastal lands. I represent one of those towns that are affected by the phases of the moon in that the tides come up the Housatonic River some several miles and therefore put that portion of the City of Shelton under this bill, should it pass and I'd like, Mr. Speaker, if I might, at this point pose one or two questions to Rep. Anderson.

SPEAKER ABATE:

Would you proceed please, Rep. Belden.

REP. BELDEN: (113th)

Thank you, Mr. Speaker. Rep. Anderson, in the opening remarks that you made concerning this bill, you alluded to a number of states and the fact that catastrophies had occurred which brought about their passage of coastal management acts. During that discussion, I don't recall hearing anything about the reasons why these states immediately passed these coastal management acts. I think I know why. I'd like to get that verified. It was so they could get their hands on federal money to do something?

SPEAKER ABATE:

Rep. Anderson, will you respond to the inquiry sir?

REP. ANDERSON: (106th)

Mr. Speaker, through you, sir, I believe the answer to what you are referring to, the questions that you are asking, is

through the disasters they've had and the federal monies that came down to take care of those disasters.

SPEAKER ABATE:

Rep. Belden, sir, you have the floor.

REP. BELDEN: (113th)

Through you, Mr. Speaker, another question. Is it then my understanding that the only way the federal government will assist in natural disasters, be they oil spills or landslides into the ocean, et cetera, would be through the passage of this particular type of legislation?

SPEAKER ABATE:

Rep. Anderson, will you respond to that question?

REP. ANDERSON: (106th)

Yes, Mr. Speaker. Through you, the proponent will have to ask the federal government that.

SPEAKER ABATE:

Rep. Belden.

REP. BELDEN: (113th)

Thank you Mr. Speaker and Rep. Anderson. I have spent a very diligent day today because this does affect my constituency. I've spoken to some members of our planning commission, Mayor's office, and I've read the federal bill and as best I can tell, it is a question of, as usual, the feds saying we don't want to take the action so we'll pass a bill and we'll dangle a lot of money out there and if you want to join the club, come on ahead,

we'd be glad to have you. And, I've really been torn knowing full well the responsibility that we have and that Connecticut and the coastal states have a natural resource that not everybody has. And, I'm also torn between that and the fact that the federal government and the state government evidently will not step up its responsibility in some aspects and I'll give you some examples.

The state has a number of parks currently on the ocean front. I don't see any federal reserves on our coastal area and I wonder if the feds are so interested in it, and it involves all the taxpayers money from all the fifty states, why don't the feds come in and buy up a good chunk of our coastline and make the reserve. It is open to everybody, whatever state they are from. That hasn't happened.

I'd like to remind the members of this Chamber that one of the reasons why there is such concern in the coastal towns is that it really effects a lot of people in a lot of homes in each one of them and I'll give you an idea. As I understand it, the 1,000 foot level will take in the entire older section of downtown Shelton. Now I thought of a possibility of perhaps getting the local council to declare it a historical district, apply for redevelopment and put in a conservation plan and perhaps change the zoning regulations and let them all throw it in Court and mix it around and see what comes out. Because, we just have so many conflicting things on the books right now and perhaps our town is

more advanced than some of the other parts of the state. We've had zoning for a number of years. The Clean Waters Act has done an awful lot throughout the state and country to clean up many of the abuses that effect our coastal areas. This is working. And suddenly, we have coastal area management and I assume that Rep. Benvenuto is correct when he indicated earlier that we've already spent $1.8 million of the taxpayers money in Connecticut on this project and it doesn't even exist yet.

I know that this will make more work for my planning and zoning commission and the other 30 some odd towns in the state. $2,500 is not going to cover that. I know it is going to slow down the process of any construction, revitalization, rebuilding in all of these 38 towns so I have to look at this thing as I guess Rep. Goodwin says once in a while, on balance, and say nuts.

SPEAKER ABATE:

Will you remark further?

REP. ANDERSON: (106th)

Mr. Speaker.

SPEAKER ABATE:

Rep. John Anderson.

REP. ANDERSON: (106th)

Mr. Speaker, I believe Rep. Belden had a question that I would like to answer. Finally, after the comment went on, I think I got a gist of what he was trying to get. The money that is coming down from the federal government is for planning. In

other words, in 1955, the floods that you experienced in the Naugatuck Valley, if we had planned ahead for them, the damage would have been much less and the secret to any disaster is that you are prepared for that before it happens, you can handle it much better and that is what this bill is all about. We are trying to prepare for the problems we've experienced in the past and that we will be experiencing in the future so that there are not going to be the devastation that we have seen, that Connecticut will be able to take care of itself and hopefully, yes, we will use federal money to plan that. Thank you, Mr. Speaker.

SPEAKER ABATE:

Will you remark further?

REP. PATTON: (119th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Gerard Patton.

REP. PATTON: (119th)

Members of the General Assembly, I, as you, have listened to many hours of the debate recognizing that the bill is going to be adopted and in essence, without any major change. I'm going to ask for your patience with me as I make a request to you and state the problem that I have.

Now, Milford is possibly effected more by this legislation than any other city in the State of Connecticut. If we are prepared, or at least I am prepared, to go with this bill, hoping

for greater good, although the impact is going to be very very significant. Now Milford, we're a small town. We're 27 square miles which is not big and yet we have 17 miles of shore front. Our entire southern coast, the border of Milford, is Long Island Sound. Our entire western border is the Housatonic River, our eastern border, in part, is the Oyster River. All of Milford, from north to south, dividing the entire city, is the Wepawaug River. We have in addition to that the Indian River, Torrey Brook and acres and acres of marsh. So, what I am telling you is that we are going to be effected more, probably, than any other town.

And I hope, and I ask, that as we pass this bill tonight, that you will look with patience and understanding on the problems that may develop in Milford in one or two or three years as we digest this bill that we really don't understand the full impact of. And, I really am saying that if we come back to you, when Milford comes back to you in one or two or three years, I'm going to seek the help of John and Julie and some of the others here tonight that have promoted this more than the rest, because we are going with it, as Mr. Wall said, for the greater good, knowing full well that the great impact on Milford is far more than perhaps anybody else and I just am hoping that if we come back in one or two or three years with some unique and particular problems, that this General Assembly is going to be understanding to them. Thank you, Mr. Speaker.

SPEAKER ABATE:

Will you remark further?

REP. POLINSKY: (38th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Janet Polinsky.

REP. POLINSKY: (38th)

Thank you, Mr. Speaker. It has been a long debate and an enjoyable one. I've heard earlier that, from I think Rep. Leeney, that when he looked at the votes from the Environment Committee of which I am not a member, most of those who voted were not from a shore community. I haven't spoken except for my amendment at the very beginning of the debate. I'm not a member of the Environment Committee, I was a member of the interim study committee and let me tell you where I am coming from. I live on the water, like you, Rep. Leeney, right on the water, within 150 feet of it so I'm certainly in the coastal area. I own a beach. I come from a town that is home rule as home rule can be and I'm just like the rest of my constituents, I'm a home ruler. My background is planning and zoning and last year, along with my constituency, I hated this bill.

As chairman of the subcommittee of the general law planning and zoning, I went to the Environment Committee and said, a draft of that bill, if it gets to my subcommittee, is not going to make it. Whether for that reason, whether for the reason of other

people coming for the same reason, the bill was put into interim study committee. The bill last year, certainly wouldn't have pleased any home ruler. It was an awful lot of state control. A lot of work has been done during the interim, certainly during this Session. I'm very happy with this bill. My town, which Lord knows foamed at the mouth over coastal area management a year ago, and you can ask the members of the Environment Committee who came to public hearings how strongly opposed my town was on this bill, well, I've gotten a letter from the conservation commission, I've gotten a letter from the planning and zoning commission, this is a good bill. For those of you who are concerned that your town is going to loose autonomy, don't be concerned. Sure, it is a complex bill and sure, we are going to have problems and we'll have to address them. But, it is a good bill and let's go forward with it.

SPEAKER ABATE:

Will you remark further?

REP. DEMERELL: (35th)

Mr. Speaker.

SPEAKER ABATE:

Rep. John DeMerell.

REP. DEMERELL: (35th)

Thank you, Mr. Speaker. Through you, I'd like to ask two questions to Rep. Anderson.

SPEAKER ABATE:

State your first question please, sir.

REP. DEMERELL: (35th)

One is, Mr. Anderson, just to purely state for the record section 16 on page 31 of this bill. I would assume from reading this without any question, the eight towns which are participating members of the Connecticut River Gateway Compact are excluded from the provisions of this act as long as they comply with the minimum standards of the Gateway.

SPEAKER ABATE:

Rep. Anderson, will you respond, sir?

REP. ANDERSON: (106th)

Yes, Mr. Speaker. Through you, sir, I think you will notice on line 1429 that it says shall be deemed to be consistent with the goals, policies and purposes of this act.

REP. DEMERELL: (35th)

Through you, Mr. Speaker, I take that to mean then, if they are in accord with the standards of January 1, 1980, then indeed, that would qualify for being in comformance with this act.

REP. ANDERSON: (106th)

Mr. Speaker, through you, sir.

SPEAKER ABATE:

Rep. Anderson, sir?

REP. ANDERSON: (106th)

It is my understanding that is right.

REP. DEMERELL: (35th)

Mr. Speaker, I had one other question I wished to ask the chairman, partly out of curiosity and it begins on line 213 whereby the bill states reasonable mitigation measures where developments would adversely impact historical archeology or paleontoligical resources that have been designated by the state historical preservation officer. I'm wondering, through you, Mr. Speaker, exactly what would we consider reasonable mitigation measures and who would determine that the request by the state historical preservation officer were such?

SPEAKER ABATE:

Rep. Anderson.

REP. ANDERSON: (106th)

Mr. Speaker, through you, maybe the proponent could explain that a little more exactly what he wants as an answer.

SPEAKER ABATE:

Rep. DeMerell, would you clarify your question please, sir?

REP. DEMERELL: (35th)

I will try. I don't want to seem to be a proponent of the state historical preservation officer in this case. I guess what I'm saying is that I am wondering exactly how this section gears off whereby it states that the state historic preservation officer can take measures where he feels evidently there is going to be adverse impact on various archeological sites or paleonot -- I can't even get that out tonight, bones. (Laughter).

What I'm wondering about is just how does this fit in? Does he make a determination that for some reason there is an historical site that is possible to be damaged and does he then go to the Commissioner of Environmental Protection and request to cease and desist in an area or what?

REP. ANDERSON: (106th)

Mr. Speaker, through you.

SPEAKER ABATE:

Rep. Anderson, sir.

REP. ANDERSON: (106th)

Actually what is happening here on line 16 is that he is designated and presently, I believe we look at any designation that is so designated, not to disturb or at least take into consideration what we are doing.

REP. DEMERELL: (35th)

I understand, Mr. Anderson. I'll just press one more time on this. There doesn't seem to be any time frame for when such an area could be designated. It does not necessarily mean that it would have to be prior designated to the adoption of this act. I would take it from the reading of this that at a future time and date that the state historic preservation officer could then designate an area as being archeological significant or something of this nature and then I'm wondering how the mechanism would occur and exactly what type of mitigating measures would be taken.

SPEAKER ABATE:

Rep. Anderson, sir.

REP. ANDERSON: (106th)

Mr. Speaker, through you, I would concur that in the future, if something did show up and it was designated I would agree, but obviously this is not laid out here. That might have to come through regulation or another bill.

REP. DEMERELL: (35th)

Thank you, Mr. Anderson. I just thought that was an interesting aspect of the bill. I'd like to make a couple of comments on this bill. I, like everybody else in the room, have sat through some turbulent debate here. I obviously have more than a few towns effected by this particular piece of legislation. I would start out by saying that I certainly thank and appreciate the input that I think the members of the interim committee put in and certainly the time that the Environment Committee has put in and I know some of the other individual parties have put in bringing the bill to this point and I think from the time perspective, there is no question in my mind that this bill has certainly come a long way from where it originally was.

I still have to be quite frank with you as far as my area is concerned. I don't see the need for it. I already have four communities on my side of the river which have joined four communities on the other side of the river who have expressed enough concern with their own area and the Connecticut River to

enter in, voluntarily, with a preservation compact and it has worked very well. I guess the people in my area really do care about their area. I venture to say they know more about their area than anybody in the state and they are very determined to see that it does remain a beautiful and a scenic area and it is an area that will serve the public.

I have one town that is directly on the Sound, that is the Town of Westbrook and that is a town too, that is concerned with its own growth. A town that is very much commited to seeing that it does it in a measured way. And, it is a town also that serves a great many people, particularly in the Summer months in terms of recreation.

So I think what concerns me about this bill is when we pass this bill, in my mind, we enter a partnership with the federal government and it is clear what the debate is, is somewheres I can understand, between $1.25 and $1.4 billion that is going to be coming down to us and I'll tell you that I think we have in place in my area controls that won't be effected one way or the other by this act because I am pretty confident with the commitment that my people give but I'm scared of the longterm effects of this bill. I'm scared what happens to us once we enter into the federal government on this project.

Because, unfortunately, government is not a static creature. It keeps inventing more things to do and I think you will find that we are going to have some new strictures put upon the state in terms

of the coastal areas, in terms of the areas described in this bill. I remember one of the original drafts forms of the Long Island Sound study commission when that came forward for some of its proposed usage of the Long Island Sound area. It was simply amazing what they thought the area, some of the towns in my district in particular, could absorb. What type of recreational uses we should be offering and indeed, could be. They chose a small shallow mill pond in my area and decided that would make a wonderful place for boating.

I think, in my mind, that these same people, these same planners are still down in Washington and they are still looking at the Connecticut coastline and they are still feeling that there is a little bit more you can do.

I think what you are going to do is to put pressures on our area which are more than we can handle. I think that the people in our area should be allowed to determine their own growth factors. I don't think the compelling reason of a little over a million dollars in federal funds is worth the risk in the long term. The offer of the carrot, of the some $1,000,000, reminds me a little bit of something that happended several millenna ago where the Ageans left a very attractive horse outside the walls of Troy, and sure enough the people figured it was free and they took it inside. It's a city that had ceased to be its own. I think we ought to be very careful about this legislation. I think we ought to give our towns the right to grow and control their own destiny.

REP. HOFMEISTER: (117th)

Mr. Speaker.

SPEAKER ABATE:

Will you remark further? Rep. William Hofmeister.

REP. HOFMEISTER: (117th)

Mr. Speaker, I'd like to thank the House for its patience, say that I am sorry for getting a little excited earlier and apologize to the chairman of the committee that brought this bill out. But my concerns lie in sections 1 through 4, especially with regard to some of the areas that I'm not sure that I really understand or that other people would understand. For example, language like a "dynamic form" and "integrity of natural beach systems". What does that really mean? In other areas we may have language that talks about structural solutions are permissible when necessary and unavoidable for the protection infrastructural facilities. This kind of language, unreasonableness and so on, is used throughout this sections 1 through 4 and I feel that lines 844 through 847 or so indicate that plain language should be used in responses to the town. Well I feel that more attention should have been used with regard to sections 1 through 4 with regard to plain language.

We have an area which indicates that water dependent uses are going to be a priority as others have said. We're going to move for development procedures that go along with water related uses. And this includes industrial uses dependent upon water

borne transportation or requiring large volumes of cooling. And this reminds me of Milstone I and II which requires large amounts of cooling. This kind of language throughout it bothers me a little bit and I'm glad now that some of us have attempted to look at and explain questions that some members from the shore communities have posed.

The concept of CAM, I can go along with, I think it is a good idea that all the communities proceed in a similar fashion, have the goals similarly throughout. Don't allow structures if you will or development right next to some other community that will impact in an adverse way. That people will begin to think of the shore in the long term and what as we now know some of the problems that occur, even though some of them may, yes may occur, somewhere in the areas of Burmuda, there are other areas that could very well occur in Long Island Sound. And these things should be addressed. I'm not sure at this very moment exactly whether I will be able to support this bill or not at this point. I am interested in the debate. And I think the final summations will be very very interesting. Thank you, Mr. Speaker.

SPEAKER ABATE:

Will you remark further? Will you remark further on this bill as amended by House Amendment Schedule "A", "C" and "I".

REP. JOYNER: (12th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Walter Joyner.

REP. JOYNER: (12th)

I have jotted down a few notes here and I will try not to be repetitious because I appreciate the hour and the time that has gone into this, over four hours. There are a couple of areas that do give me great concern. The whole concept seems like a very noble one and one which could benefit many people. And I cannot and will not try to withhold credit where it is due. However, there is a striking similarity in the Federal regulations concerning HUD and in these regulations here. I have earmarked several passages but just let me refresh you with one. This is on page 6 at the bottom caption "G". "When any states coastal zone management program submitted for approval or proposed for modification pursuant to section 306 of this tidal, includes requirements as to shorelands which also would be subject to any Federally supported national land use program, which may be hereafter inactive." This is in the future. We don't know what we are buying. "Which may be hereafter inactive. The secretary, prior to approving such program, shall obtain the concurrence of the secretary of the interior or any such other Federal official as may be designated to administer the national land use program with respect to that portion of the coastal zone management program affecting such inland areas."

Now it is just phraseology as this that has gotton

Manchester into the pickle that we are in. Let me quote you from the HUD regulations. "In those cases where there exists an adequate vacancy rate as determined by HUD." We are disenfranchising the voters of our state by placing in the hands of some nonelected official who is not responsible to the electorate of this state the rules and regs which may be promulgated.

On other very important point. If some town or if the state decided a year or two years down the road they want to withdraw from this program, and one or two or three or a group of individuals decided they did not want to have the state or the town withdraw from the program and a suit were filed, that suit would be heard in a Federal court. This would be in effect mandating programs Federal legislation by the court and not by the state. I am not going to tell you how to vote. I ask that you think. Thank you, Mr. Speaker.

SPEAKER ABATE:

Will you remark further on the bill.

REP. ALLYN: (43rd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Rufus Allyn.

REP. ALLYN: (43rd)

Mr. Speaker, my concern for this legislation -- I don't know I must be coming from somewhere different -- but it's not a

concern that this is going to stop development or impede development. My concern is that it is going to change the type of development. I think this bill places a stress on marine related commercial development. I think that's one of the major thrusts of this legislation. Our town is going through great throes with our Planning and Zoning Commission right now. The town is trying to deal with unbelievable development pressures, and the town is stalling because we are probably the number one tourist attraction on the east coast. And therefore, everybody is moving into town and trying to develop a different proposal. The town right now has eleven law suits pending against it because of the actions of the Planning and Zoning Commission in most cases trying to slow or stop development. Because of these pressures we have also had instances where our Planning and Zoning Commission is under attack by different people for various reasons. I fear very much that this legislation which as I see it, places the emphasis on marine development as a threat to our town's efforts to preserve the way of life that we have in Stonington. For that reason I will continue to oppose it.

SPEAKER ABATE:

Will you remark further?

REP. CASEY: (118th)

Mr. Speaker.

SPEAKER ABATE:

Rep. T. J. Casey.

REP. CASEY: (118th)

I will be brief. I have, as I mentioned before, the only one that had voted twice or had the opportunity to vote twice against this piece of legislation, and I had good reason. I really didn't understand the intent or how reaching the strings of the Federal Government were going to reach into my local municipality. Well I find out one thing, definite. My local municipality can't correct its coastal problems without the state or without Federal funding. The strings are there, anyway.

But one important section of this piece of legislation that is probably more concern to my constintuency, Milford, than to any single family dwelling which is along the coastline, and it was someplace on page 29, in section 15, and it deals with the construction of an individual conforming single family residential structure that does not have to go before the coastal site plan review of the municipalities. But of more concern to me was "except in or within a 100 feet of the following coastal resources." And it goes on to list tidal wetlands, coastal bluffs,

My whole constintuency is affected by that piece of legislation. And I did have an amendment draft saying that if one of my homes burnt down that was within that 100 foot, what would happen? Would I be able to build it. Would my family or

my friends be able to build their home back up again? And the answer, after talking to several people, finally did come forward. Under this legislation, I have more guarantee of building that home than I do as it presently stands. Because, they have to give me written reason why they disapprove of that house. If it's been up there for 30, 40, even 10 years, it's been there not effecting the environment. There wasn't any environmental effect. So building that structure should be permissible. And unless they can give me good reasons why, and now I got CAM to hold up and support it, my constituency is somewhat protected. I still have a little skepticism about it but we did put on a sunset provision and we'll be able to work at it three years down the line.

There are many other good things in this bill. On page 15, when it addresses the policy, it deals with offshore pumping station, it deals with disallowing filling the tidal wetlands or near shore wetlands, it deals with dredging and maintaining our harbors, it deals with discouraging dredging in areas where it can naturally be chaneled. No dredging, they will try to find ways where money does not have to be expended. And it deals in many more of the areas. Another area of concern was when it comes to the administrative costs of this program. The municipalities wind up getting 30%. It takes 70% to administer this program. Well 50% either way you look at it. It says 30% is available for administrating, under section 306.

And that leads me to come back to the final page in the file copy, and it deals with the potential that DEP might not even have the $250,000 or $25,000 for the coastal site plan review of guarantee that they're going to be able to cover anything above and beyond that. But I'm still willing to take that chance, because I think it's going to be good for the State of Connecticut. And it's going to be good for my municipality. And I hope that you support it.

SPEAKER ABATE:

Will you remark further?

REP. MAZZA: (115th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Mazza.

REP. MAZZA: (115th)

Mr. Speaker, the main thrust of the bill is dealing with water related activities, boating uses. It seems to me that one of the biggest polluters of shorelines are commercial boats, yachts, boating uses. I have a question to the proponent through you, Mr. Speaker.

SPEAKER ABATE:

State your question please, sir.

REP. MAZZA: (115th)

I have a wetland in my town 800 feet from the coastline. From that wetland 800 feet inland, does the boundary line under

this bill extend an additional 1,000 feet beyond that wetland?

SPEAKER ABATE:

Rep. Anderson will you respond, sir?

REP. ANDERSON: (106th)

Mr. Speaker, through you, sir. Number one, I'm sure that that would be covered by inland wetlands to begin with. Number two, there is a map and it's been available for some time, in which you can come and check any area, specific area, that you're talking about and I'd be happy to go over it with you.

REP. MAZZA: (115th)

Through you, Mr. Speaker.

SPEAKER ABATE:

Rep. Mazza.

REP. MAZZA: (115th)

I have seen the coastal map for my town. It specifically takes in 20% of the town from the shore inland. I would appreciate it if I can get an answer from someone, and it's a specific question, if I have a wetland that's 800 feet from the coastline, will the boundary line under this proposal extend another 1,000 feet beyond that point inland?

REP. FRANKEL: (121st)

Mr. Speaker.

SPEAKER ABATE:

Rep. Frankel.

REP. FRANKEL: (121st)

Through you, Mr. Speaker.

SPEAKER ABATE:

Rep. Frankel.

REP. FRANKEL: (121st)

I call your attention to lines 639 and 644 in your file. If in fact, Rep. Mazza, you are talking about the tidal wetland, and I think you are, then the operative language would begin on line 641 which says, "1,000 foot linear setback measured from the inland boundary of tidal wetlands mapped in accordance with section 22A-20, whichever is farthest inland." So in effect, if you are talking about a tidal wetland, and its inland boundary is 800 feet from the shoreline, then in fact you would be talking 1,800 feet and I think that would be the answer to your question.

SPEAKER ABATE:

Rep. Mazza.

REP. MAZZA: (115th)

Thank you, Mr. Speaker. I think you get some idea of what we're trying to bring out here. The possibility of going in some 1,800 feet. I come from a town that has 60,000 people in ten square miles. That's a rather densely populated city. I would venture to say that under the proposal we have in front of us, this proposal will be extremely damaging to my area. I mean we all want clean air and clean water, but I don't think

we want to restrict forever the uses of my town. I would wish that -- there's not too many legislators left here -- that those of you from inland towns would please consider that. I don't want to belabor the point Mr. Speaker. I'll just ask that everyone consider voting against this bill. Thank you.

SPEAKER ABATE:

Will you remark further? Will you remark further on this bill as amended? Will you remark further on this bill as amended by House Amendment Schedule "A", "C" and "I"? Members please return to the Chamber. The House of Representatives will be voting by roll, immediately. Members please return to the Chamber. The House of Representatives will be voting by roll, immediately.

Will you remark further? Will you remark further on this bill?

REPRESENTATIVES:

No.

SPEAKER ABATE:

Will the House please come to order? Will the House please come to order? Will you remark further on the bill as amended by House Amendment Schedule "A", "C" and "I"? If not, would all the members please be seated. Would all staff and guests please come to the well of the House. The machine will be opened.

SPEAKER ABATE:

The House will be voting by roll at this time, will the members please return to the Chamber.

Have all the members voted? Will the members please check the roll call machine to determine if their vote is properly recorded. The machine will be locked. The Clerk will take the tally.

Would the Clerk please announce the tally.

CLERK:

House Bill 7878 is Amended by House Amendment Schedules "A" "C" and "I"

Total number voting	140
Necessary for passage	71
Those voting yea	105
Those voting nay	35
Those absent not voting	11

SPEAKER ABATE:

Bill as amended, passes.

The House please come to order. The House please come to order. Will the Clerk please return to the call of the Calendar.

CLERK:

Calendar page 19. Resolutions.

REP. MOYNIHAN: (10th)

Mr. Speaker.

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GEN. ASSEMBLY

SENATE

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CONCERNING HUMAN SERVICES CONSUMER HANDBOOKS. Referred to Committee on Appropriations.

Public Safety. Substitute House Bill 7141. AN ACT CONCERNING MUNICIPAL POLICE TRAINING. Referred to Committee on Finance, Revenue and Bonding.

Human Services. Substitute House Bill 7831. AN ACT ESTABLISHING A TRANSITIONAL HOUSING PROGRAM. Referred to Committee on Finance, Revenue and Bonding.

Environment. Substitute House Bill 7878. AN ACT CONCERNING COASTAL MANAGEMENT. Referred to Committee on Planning and Development.

Transportation. Substitute House Bill 7871. AN ACT CONCERNING MOTOR VEHICLE REPAIRS. Referred to Committee on General Law.

Education. Substitute House Bill 7586. AN ACT CONCERNING EQUALIZATION OF EDUCATIONSL FINANCING AND EQUITY IN EDUCATIONAL OPPORTUNITY. Referred to Committee on Appropriations.

Environment. House Bill 5687. AN ACT CONCERNING THE ESTABLISHMENT OF ADVISORY BOARDS OR COMMITTEES FOR NATURAL RESOURCE PROTECTION AND PRESERVATION. Referred to Committee on Planning and Development.

Transportation. Substitute House Bill 5392. AN ACT CONCERNING THE ESTABLISHMENT OF A COMMUTER PROGRAM. Referred to Committee on Appropriations.

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS

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two friends of mine, constituents of mine, from the Silver City of Connecticut, Meriden, my hometown. I would ask the members of the circle to give them their usual welcome. Mr. and Mrs. Charles Stimpson. (Applause)

THE PRESIDENT:

Any other points of personal privilege. If not, start the call of the Calendar, please, Madame Clerk.

THE CLERK:

On the bottom of page nine, Cal. 1240, Files 1065 and 1203. Favorable report of the joint standing Committee on Appropriations. Substitute for House Bill 7878. AN ACT CONCERNING COASTAL MANAGEMENT, as amended by House Amendment Schedules A, C and I.

THE PRESIDENT:

Senator Skowronski.

SENATOR SKOWRONSKI: (17th)

Thank you, Mr. President. Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill.

THE PRESIDENT:

The question is on acceptance and passage, as amended by House A, C and I. Will you remark, Senator Skowronski.

SENATOR SKOWRONSKI:

Yes, Mr. President. A point of clarification. I move for acceptance of the joint committee's favorable report

asamended by the House. I believe that there are some Senate Amendments, Mr. President.

THE CLERK:

The Clerk has Senate Amendment Schedule A, File 1203, Substitute House Bill 7878, offered by Senator Morano. LCO 9170. 9 1 7 0.

THE PRESIDENT:

Senator Morano.

SENATOR MORANO: (36th)

Mr. President, I move adoption of the amendment and waive the reading so that I might explain the amendment.

THE PRESIDENT:

The question is on adoption. Is there objection to the waiving of the reading. Hearing none, proceed, Senator Morano.

SENATOR MORANO:

Mr. President, members of the circle, I am not opposed to coastal area management, but what I am opposed to is some of the answers to questions that I have put to people who are interested in this bill - attorneys here in the Capitol who have answered some of my questions and yet when I ask the same questions of attorneys outside of this capitol, I get a different answer. Now, if I may, Mr. President, I would like to pose a question, through you, to the chairman of the committee, Senator Skowronski.

THE PRESIDENT:

Proceed, Senator Morano.

SENATOR MORANO:

My question, Senator Skowronski, is - does the bill before us preserve local autonomy?

THE PRESIDENT:

Senator Skowronski, if you care to respond.

SENATOR SKOWRONSKI:

Well, Mr. President, it's a broad question but let me respond in this way. The bill provides that prior to any activity taking place within the coastal zone as defined in the bill a site plan review process must take place. In simple terms, the proponent of the activity, the builder or the developer, must submit a site plan to the local planning and zoning commission or the local designated authority and obtain a site plan review to see if it conforms to the goals and policies of the act. That site plan review process is entirely administered and implemented by the local agency. However, the local agency must review the site plan in accordance with the criteria and the goals and policies set forth in the bill. So in a sense, we maintain local control in that the local control does the site plan review and fully administers and interprets the law, but there is a surrender of local control in that the local regulatory authority must evaluate the proposal in light of the criteria set forth in the state law.

THE PRESIDENT:

Senator Morano, you have the floor.

SENATOR MORANO:

Mr. President, another question through you to the Senator, if he cares to respond. You have explained one portion of the section. We keep getting references to the federal section, SEC 307. Can you explain to me, Senator, if 307 takes away the right of the towns, cities, state for their own autonomy.

THE PRESIDENT:

Senator Skowronski, if you care to respond.

SENATOR SKOWRONSKI:

Thank you, Mr. President. Through you, my understanding of 307, the federal law, is that it does not - that the issue, the rights and responsibilities of the local boards are contained in the state act and are consistent with the explanation I just gave you, Senator Morano.

SENATOR MORANO:

Mr. President, members of the circle, it is because of the questions that I have directed to Senator Skowronski that I find myself confused. I have had opinions of attorneys who tell me that the towns do not have and do not preserve their local autonomy, their planning and zoning boards. And for that reason, I submit the amendment, LCO 9170, and if you will look at your files, if you are to, it merely says in Section 11, on page 25, line 1164, it strikes out the word "shall"and inserts the word "may", so that the sentence reads - coastal municipalities MAY undertake coastal site plan reviews

in accordance with the requirements of this act. The second part of my amendment addresses itself to line 1283, on page 1065, following the comma after approval, it would read if the municipality so requires; in line 1308, page 28 of your file, after the word municipal zoning commission, there is a comma added and the following lanquage if the municipality so requires. Now I make this, ah, I address this and hope that you will agree and adopt this amendment because this then will preserve the local autonomy that many of our towns and cities cherish. It perhaps is one of the few things we have left that has no intervention of federal and state bureaucracies. I believe in local autonomy. I believe in local preservation of planning and zoning. This amendment will satisfy me and if adopted, I will support the bill. Thank you very much.

THE PRESIDENT:

Will you remark further on Senate A. Senator Skowronski.

SENATOR SKOWRONSKI:

Thank you, Mr. President. I rise to oppose the amendment. What the amendment would do, Mr. President, would be to completely gut the bill. The bill has only one mandatory provision and that is it mandates the site plan review process. If we make that site plan review process permissive, rather than mandatory, we have effectively rendered the bill annulity.

I appreciate Senator Morano's concern for local control and that is a theory, a concept that I myself value greatly and strongly endorse. If I could just go back into the history of the bill just for a moment, very briefly, Mr. President, there are coastal area management plans in a number of other states. Connecticut when faced with how it would approach its coastal area management plan had a variety of options ranging the gamut from extensive state control to very little state control and the approach adopted by the Environment Committee and as set forth in this bill is the option that has the least state control and retains maximum local control. We have state control in the sense that we are, if we adopt this bill, establishing certain criteria, goals and policies which the local boards must use in evaluating site plans. However, the administration of the site plan program rests entirely in the hands of the local regulatory agencies.

Mr. President, this bill has received extensive public hearing in all of the coastal towns. I believe that many of the fears that Senator Morano has expressed and which were also expressed by representatives of the local towns have been addressed in this bill, and for Senator Morano's edification and for the edification of other members of the circle, the bill has been endorsed by the following, by representatives of the following local agencies: the Planning and Zoning Commissions of Greenwich, Darien, Stamford, Norwalk, Westport, Milford,

Guilford, Westbrook, Clinton, Essex; the mayor of New London, mayor of Stamford, the selectman of Greenwich, Old Lyme, Westford, Groton; the town planner of Ledyard, and the planning and zoning commission of Stonington. In addition, Mr. President, the bill has been endorsed by the Connecticut Conference of Municipalities, the Connecticut Marine Trades Association, the Connecticut Construction Industries, C.B.I.A., the League of Women Voters, and all the major environmental groups in the State of Connecticut.

So if the preponderance of the local planning and zoning commissions are comfortable with the bill and a number of chief executives from the coastal towns are also comfortable, I think that that is proof that a substantial measure of local control has been retained.

THE PRESIDENT:

Will you remark further. Senator Morano.

SENATOR MORANO:

Mr. President, I want to thank Senator Skowronski for his information. I don't know that my first selectman speaks for all the people of Greenwich; however, she has a right to her own opinion as the chief executive. Senator Skowronski referred to the success of CAM and other states throughout the country. I had the occasion two days ago to have a friend call California and my friend called the deputy director of the California Council for Environment

Economic Balance (the Senator gave his name, but unable to decipher correctly). The California bill was adopted with federal regulations in 1976; and my friend asked the question - are you happy with CAM? The answer was "No." "What are some of your problems?" Permit problems, extensive delays in appeals, problems with beach access, local plans are not being implemented, federal funds--90% go to bureaucrats, increase in urban development, permits to repair are billed only by blackmail, given only if twenty-five percent access strip is surrendered. The Governor of California calls this bureaucratic bags and blackmail, the major problems on local autonomy. This is in response to a state that has been using and been a member of CAM and working with the federal government

Now I know, and I am practical. I have been here a few years. I don't have the votes to pass this amendment. I don't like to be negative. But I want to tell everyone of you here today that this might be the beginning of something that will not be seen right away, but it might be just the tip of the iceberg, but we are treading on thin ice if we relinquish any thought of destroying our local autonomy. I have been around here quite awhile and I have seen people get their foot in the door and this is what I thinkis happening today. I urge adoption of the amendment.

THE PRESIDENT:

Will you remark further on Senate A. Senator Skowronski.

SENATOR SKOWRONSKI:

Briefly on two points, Mr. President. With respect to the California program, I understand that the California program is a much more restrictive program than the one being proposed for Connecticut, that it calls for and provides for considerably more state control than our own program; so I don't think that the objection to the California program may be applicable to our Connecticut program.

With respect to the kind of step we are taking, I would like to remind Senator Morano that the, ah, one of the House Amendments provides that the program shall only last for three years at which the Legislature would have to vote to extend the program. So I think that that may be of some comfort to him and I was disappointed that that was in the bill, but we will accept that amendment. So, I think that perhaps the best analogy for the coastal area management plan would be the Inland Wetlands Act which passed some years ago, Mr. President, which requires, ah, which at that time required the developer to obtain a permit from a local Inland Wetlands Commission prior to the building in an inland wetland area. I think that perhaps at the time of the passage of that bill there was great concern that local control was being eroded. I think most planning and zoning commissions now in the State of Connecticut would agree that that was a very positive piece of legislation and they are very thankful that they have it.

I feel confident that at the end of three years our local planning and zoning commissions in the shoreline communities will be happy that they have the CAM bill also.

I move for a roll call vote, Mr. President.

THE PRESIDENT:

It shall be so ordered when appropriate. Senator Matthews, I believe you were on your feet first.

SENATOR MATTHEWS: (26th)

Mr. President, may I ask a question, through you.

THE PRESIDENT:

Proceed, Senator Matthews.

SENATOR MATTHEWS:

Senator, in order to be clear in my mind and perhaps some other people's minds in the circle, you might be able to respond to this question. If a coastal zone community was approached by the federal government and requested to build a veterans' hospital and the local people said no, we don't want that because it is infringing on our feeling about the coastal zone in our community, what would be the final result of that request if the federal government were to say, we do want that hospital built on that location?

THE PRESIDENT:

Senator Skowronski, if you are to respond.

SENATOR SKOWRONSKI:

My own interpretation of the bill is that a federal activity would be subject to the requirements of the act. I

would want a moment, Mr. President, to study the bill. There is specific provision in the bill that state activities and state facilities will be subject to the act, but I would like a moment to review the bill to respond more specifically to Senator Matthews' question.

THE PRESIDENT:

Senator Matthews, you have the floor. Will you relinquish it at this time and I will recognize you again when Senator Skowronski has had the opportunity to read the bill again.

SENATOR MATTHEWS:

Yes, I will, Mr. President.

THE PRESIDENT:

Thank you. Will you remark further. Senator Schneller.

SENATOR SCHNELLER: (20th)

Mr. President, I would like to respond, if I may, to Senator Matthews' question. In my opinion, because I am very close to this act and have been for a number of years, the imposition of coastal area management would impose any prior or less ability on a federal installation than they have without the act. If anything, it would impose a greater restriction, but the decision is still left with the local community and any installation of any type whether it is federal, state or private must be in conformance with the policy statement of the act. So, if anything, the answer would be that it would

that it would be more restrictive than it presently is. It certainly would not be less restrictive.

THE PRESIDENT:

Senator Matthews, I recognized Senator Schneller. If that answers your question sufficiently, if it does not I recognize you again to proceed to ask of Senator Skowronski your original question.

SENATOR MATTHEWS:

Mr. President, I would like to be recognized and I would like to represent my question to Senator Skowronski to see if he has anything more that he can add to it that would be appropriate.

THE PRESIDENT:

Proceed, Senator Matthews. Senator Skowronski, are you ready to respond. You have the floor, Senator Skowronski, for a response.

SENATOR SKOWRONSKI:

Thank you, Mr. President. I do have further information Mr. President, which substantially supports what was stated by Senator Schneller. I believe, without making this an authoritative, legal opinion, that as a matter of general law both the state and the federal governments are exempt from local zoning. The state or federal government can go in to any town and construct a facility without regard to local zoning. Under this bill, ah, under the common law situation,

the present situation, the local towns have no control. They are essentially at the mercy of the state and federal government. Under this bill, the state by the terms of the bill submits itself to the requirements of this bill and the site plan review process. So the municipalities there will gain some control over state activities. Also, I have been informed that the federal government, by the terms of the federal law 307 which is referenced in the bill, agrees by the terms of 307 to submit itself also to the requirements of the state-adopted CAM program. So, therefore, by passing this bill, we would gain some control over the placement of federal facilities.

THE PRESIDENT:

Senator Matthews, you have the floor.

SENATOR MATTHEWS:

Thank you. I would like to ask one other question, through you, Mr. President, to Senator Skowronski. Senator Skowronski, it is my understanding that the something to do with the saline content of the water will have something to do with where the farthest point can be considered as the coastal area in which this bill will be involved. If there is a saline content which meets the requirements of the DEP or the criteria which you have established in the bill at a certain time but because over a period of time that saline content may go farther up a river, in fact, might go up several

hundred yards or even perhaps a mile, I am not that well-informed about how these things accommodate, can you tell us whether or not that additional area would automatically become a part of the coastal zone management area? Would it be completely eliminated or it would it be subject for concern and discussion with the local group and if the local group decided that they thought it was not suitable that it would then be upheld?

THE PRESIDENT:

Senator Skowronski, if you are to respond.

SENATOR SKOWRONSKI:

Thank you, Mr. President. Through you to Senator Matthews, it is a multi-faceted question. With respect to the part whether the saline content, let's say, increased, so that, let's take the hypothetical - we have a thousand yard river in year one the saline content which brings the river into the bill goes up five hundred yards, and then, let's say, year five, it goes up two hundred more yards to seven hundred yards, would the two hundred yards automatically become, the additional two hundred yards of river and the adjoining land, automatically become part of the act? I would say no. I would say that it would have to go through the procedure set forth in the act which requires the DEP to come in and make a finding, hold a public hearing and is subject to the procedural safeguards of an appeal and so forth and so on. So there would not be an automatic addition to the coastal area

but there is provision for adjusting the boundaries to the saline content of the water. Similarly, I think if in the hypothetical, the saline content were to diminish, if you take the same example in year one it's five hundred yards long, in year five it diminishes and it goes down to two hundred yards, what about the three hundred yard area that lost the saline content? I think that would be a matter of probably local control, making the decision that based on the evidence presented by the applicant that the river no longer had the proper salinity to be within the act, the local control would probably, ah, the local authority would make that decision and it would be subject to an appeal by the DEP. But I don't think there would be any automatic relinquishment of that area from the act. It would take an applicant coming into the process saying the river is no longer sufficiently saline proving it to the commission and the commission would make the decision subject to review by DEP.

THE PRESIDENT:

You have the floor, Senator Matthews.

SENATOR MATTHEWS:

Thank you, Senator Skowronski. It does answer the question which I presented. I would like to make the observation, I think appropriately, that there are as you have stated your answers to me, I would say you have been very careful, if that's a fair phrase to use, in not stating definitely any

of the things which you have given us with one or two exceptions. You have made the qualifications on almost all of the things pending on a lot of circumstances which may come up in the future or may not come up in the future relative to what these local communities may be involved with. I sympathize very strongly with Senator Morano's concerns about what the local community will be involved in and about relative to the long-range program as well as the short-term program. Certainly our coastal area needs to be protected. We need to have very definitive area which will be controlled by the local community. My hope will be that the overall criteria which you have established in the bill in conjunction with the state and I guess with the federal government and the imput from the public in the local communities will in the future give you reason to reassess this whole program and hold additional public hearings hopefully within the next year or two in which you will review once again with the public imput whether or not you have accommodated the things which we who want to see local autonomy protected is being accomplished. And I can't overemphasize the need for going back to the public. I myself have spent a number of evenings and days over the last many years working with the local public, up and down the coast, some of them through and with Senator Gunther's program of several years past, and I find that they are very openminded and wish to have a great deal of

imput if they possibly can to what their controls would be. It is my understanding that the bill itself will require you to report back and to follow through on many of the elements in the bill but I don't know whether or not the emphasis will be placed on the public's position and imput as opposed to the problems, let's say, which may come out of the present bill. I am pleased that you have given me quite an elaborate and fair answer on the questions and I thank you for it.

THE PRESIDENT:

Thank you, Senator Matthews. Senator Matthews has relinquished the floor. There is no question before the chamber at this time. Will you remark further on Senate A.

THE PRESIDENT:

Senator Schneller, for the second time.

SENATOR SCHNELLER:

Mr. President, I would like to respond briefly to some of the remarks made by Senators Matthews and Morano.

Senatorial District that I represent includes more towns in the castal area as proposed in this legislation than I believe any other senatorial district in our state. I represent eight towns from New London to Westbrook and everyone of them will be affected by the legislation. For that reason, I have followed this legislation very closely for the last four years. I probably have been to fifteen, twenty, twenty-five hearings over the course of the past four years because of the concerns that people in the towns that I represent have had with

this proposal. And this legislation has gone through a metamorphisis in those four years from a legislative proposal where the state would operate this program, the one that we are considering before us today, where basically the towns of this state will operate the coastal area program within their towns and because of the long history and tradition of local control of our destinies within our own towns that's the reason that the major change was made in this legislation and that's the reason that everyone in the planning and zoning commissions and everyone in the conservation commissions in the eight towns that I represent now favor this legislation. So that I think a great accommodation has been made to local control. It's a local commission that will be making decisions relative to the site review plans as to whether or not they conform to the intent of the coastal legislation. It's only when a local board or commission totally disregards the intent of the legislation that the state will then step in and review that decision; and even then, the final decision will be made in a court of law and is not the state's decision to be made. So that, I feel comfortable with the fact that local control is maintained, but the fact remains that if we think it is important to set up some criteria to better manage our coastline, we need some type of legislative programs, such as we are considering here today; and at a later time in this discussion when we discover, ah, when we discuss the full bill, I would like to give this body some of my rationale for the fact that we do need

to do something about preserving and protecting our coastline because as one who lives in that area and has lived there all of my life, I see the results of what has happened because we have not had this kind of legislation. So I want to reassure this body that we have made an accommodation to local control, but to adopt an amendment such as we are considering would negate the primary thrust and primary purpose of this legislation and would bring us right back to where we are today with no legislation and I would urge members of this circle to vote against this amendment.

THE PRESIDENT:

Will you remark further. Senator Knous.

SENATOR KNOUS: (33rd)

Thank you, Mr. President. Mr. President, I rise, very briefly, to oppose the amendment. Like Senator Morano, I do certainly have a concern regarding local control, local autonomy. Part of my senatorial district borders on the Sound and certainly is impacted by this bill. I might add, although I haven't attended as many public hearings as Senator Schneller has, that on this particular matter, this year I did attend the various public hearings that were held along the Connecticut shoreline from Groton, my hometownof Clinton, we were in Hamden, we were in Stamford, we were here in Hartford also; and I think it is important for members of the circle to note that we had a very exhaustive testimony on this matter. Many citizens came forth to speak and the overwhelming preponderance of publ c

opinion was on the side of the bill. There were for sure certain individuals who opposed it, but as I recall one night, I believe it was in the Hamden, there were some forty individuals or forty-five individuals and it wasn't until the next to the last speaker of the evening before we heard any negative testimony regarding the proposal. I think the bill has been around for a good number of years. We have had an opportunity to scrutinize it. It has been gone over in great detail. I think currently we do have a bill that will provide a vehicle for prudent land use planning for the future. And again to reiterate what Senator Schneller said, this proposal allows municipalities the authority, through their existing planning and zoning to evaluate impacts of developments on their coastal resources through the site plan review. And this review is designed to be compatible with existing planning and zoning procedures. Mr. President, I urge members of the circle to oppose the amendment. Thank you.

THE PRESIDENT:

You are welcome, Senator. Will you remark further. Announce an immediate roll call in the Senate, please.

THE CLERK:

An immediate roll call has been ordered in the Senate. Would all senators please return to the chamber. An immediate roll call in the Senate. Would all senators take their seats.

THE PRESIDENT:

We are voting on Senate Amendment Schedule A offered

by Senator Morano. The machine is open. Have all senators voted. The machine is closed. The Clerk will take a tally. The vote is 10 Yea - 23 Nay. SENATE A FAILS.

THE CLERK:

The Clerk has Senate Amendment Schedule B, Substitute House Bill 7878. LCO 9754 offered by Senator Morano.

THE PRESIDENT:

If I may prior to going to the amendment. I want to indicate that, for the record of today's proceedings, senators Smith and DeNardis are attending a legislative conference in Washington on health care and they will not be participating in any of the votes today.

THE PRESIDENT:

Thank you, senator. The amendment B has been called. The Chair recognizes Senator Morano.

SENATOR MORANO: (36th)

Mr. President, because of the importance of this amendment, I would ask that through your Chair we maintain a little quietness in the chamber.

THE PRESIDENT:

Senator, I fully concur with your wishes and desires. The Senate will come to order while Senator Morano offers Senate Amendment Schedule B.

SENATOR MORANO:

Mr. President, I move the adoption of the amendment and ask for the waiving of its reading.

THE PRESIDENT:

The question is on adoption and is there objection to the waiving of the reading. Hearing none, proceed, Senator Morano.

SENATOR MORANO:

Mr. President, my colleagues, I would like to refer you to page 13 in file 1065, if you don't care to turn to it, I will be glad to read it for you, in line 558, following the words "waterborne transportation system", you would insert the phrase "but not including interstate bridges or tunnels within or across the coastal area". This amendment would forbid constructing a bridge over, or a tunnel under, connecting Connecticut to Long Island or any other place that is practical and the reason that I introduce this amendment is to take up perhaps where we left off in 1969 when a study was made for the proposal of a bridge from Bridgeport to Port Jefferson. That study was returned to the Legislature in 171, studied by many that were interested and was shelved to gather dust like many studies are. The amendment before you has tremendous impact. First of all, the cost to construct a bridge or tunnel would be astronomical.

THE PRESIDENT:

Will the Senate please come to order. Will you please carry on your conversations outside this chamber. Does everyone here in the chamber hear my request. Thank you. Senator Morano, you have the floor.

SENATOR MORANO:

Thank you, Mr. President. I am glad Senator Beck is here. She will appreciate the cost I am about to address myself to. The cost to build a tunnel or bridge would be astronomical, but that is just one factor. The other factor is the environmental impact a bridge or tunnel might have on our beautiful coastline, Long Island Sound, one of the treasures of Connecticut. The impact on the clean air, the impact on clean water, the impact on fisheries, shellfish. The next point I address myself to is the cost of increasing the size of our highways, I-95, the Connecticut Turnpike. If a bridge is built there or a tunnel, you will have to add two lanes on that highway from Connecticut to Rhode Island. Two lanes more of highway. The cloverleafs, for self-policing ingress and egress to the highway, tremendous cost, tremendous space taken away, probably removing many houses and apartments along the highway now to make room for this sort of thing. And when you have it all done, what do you have? You have a pathway across the state, a pathway from Long Island to Maine, a path for the Long Island workers to come up and steal Connecticut jobs. So I ask you, do you want a bridge or a tunnel built connecting Long Island to Connecticut? I don't think you do and I hope you will adopt this amendment.

THE PRESIDENT:

Will you remark further on Senate B. Senator Knous.

SENATOR KNOUS: (33rd)

Mr. President, thank you. Mr. President, I would concur with Senator Morano on the nobleness of his effort in regards to not wishing to have a tunnel or a bridge connecting the Connecticut shoreline with Long Island and along that line of thinking, I would be more than happy to sponsor a resolution to that effect and I am sure we could get other members of the circle to do that. However, to use this particular amendment as a vehicle at this point in time would jeopardize the bill itself and I look at the two issues really as separate, and I would be more than happy to cooperate with Senator Morano in regards to a resolution. However, I would urge defeat of this amendment as I think it would jeopardize the bill and its germaneness is somewhat at this point suspect. Thank you, Mr. President.

THE PRESIDENT:

You are welcome, Senator. Will you remark further. Senator Gunther.

SENATOR GUNTHER: (21st)

Mr. President, I rise to support the amendment. I think that Senator Knous' thought of putting a resolution before this body is great, but I think everyone of us knows what a resolution is worth and that's just about the paper it is put on. I think we are considering a plan, a coastal zone management plan, and I can tell you, not over the past couple of years of hearings and that, but better than seven or eight

years that I have been involved in this, we thought that the so-called bridge or now with a tunnel proposal had been finally put to bed. Unfortunately, it has been revived recently by New York and some strong support for it in New York. There is some support shown in the State of Connecticut, not strong unless you live in Bridgeport - you dance to the tune of John Mandanici - but as far as this proposal, this amendment, I don't think it would hurt a bit to have this proposal, have this inclusion in it. And when we talk about killing the bill, we all know darn right well, if we want to make amendments to this act, it can be put into the House immediately and a discussion can take place. We've got almost a full week yet ahead of us, so we are not talking about any freight train that this couldn't be accomplished.

Senator Morano hit on a couple of points. I am sure that everybody in this circle that lives on the coast knows darn right well what the impact of a bridge or tunnel would be - two additional lanes on 95. If anybody has ever come into our area during the rush hours, either early morning, noon or four to six o'clock at night, our present toll systems are backed up a mile, half mile in each direction at all these times, and this would just add to the embarrassment of that. The taking of land for two additional lanes all through the City of Bridgeport in our area, but move it up into the five proposed areas you will find out we have the same problem and I think the cost benefit couldn't justify the building of

this bridge, but we do have ways of getting these things considered by the various states. It would provide only a passthrough. It would give nothing to the State of Connecticut. As far as I am concerned, right now, we are under the gun when it comes to airpollution, indirect sources are limiting our industrial development in many of our areas and God knows, supposing it came into the New London area, we might very well find the area down there, which has very low levels and some of the pollutions and the indirect pollutions, could be restricted to commercial and industrial development where we need it the most.

So I don't think this is a bad amendment, Mr. President. I don't think it was ever considered in any of the discussions that there was a need for this and this is service of late and I don't think it is too late to amend this bill to put this on it. Thank you, Mr. President.

THE PRESIDENT:

Will you remark further. Senator Schneller.

SENATOR SCHNELLER: (20th)

Mr. President, I rise to oppose the amendment. The record is clear on where I stand on a bridge or tunnel across the Long Island Sound. Within the last two weeks a major hearing on this issue was held in the Town of Old Saybrook at the instigation of the Department of Transportation of the State of New York. I testified at that meeting, vigorously opposed any type of bridge or other means of conveyance from

Long Island to Connecticut. But I don't think this is the issue or the time to indicate or prohibit such a bridge or tunnel. I am not sure the way the wording of the amendment is that it would even do it because the section referred to deals with the definition of facilities that would be allowed within a coastal area and the amendment merely states but not including interstate bridges or tunnels; and I seriously question whether adoption of this amendment could preclude the building of bridges or tunnels for all time across Long Island Sound. I think we have a great many other regulations. The adoption of the coastal area management bill as written, in my opinion, would preclude the building of tunnel or bridge. I think to place this bill in jeopardy by adding an amendment and sending it back to the House would be a disservice to the coastal area that we are attempting to protect. And therefore I urge defeat of this amendment.

THE PRESIDENT:

Senator Matthews.

SENATOR MATTHEWS: (26th)

Mr. President, thank you. Through you a question to Senator Skowronski, Mr. President.

THE PRESIDENT:

Proceed, Senator.

SENATOR MATTHEWS:

Through you, Senator, in Section, I don't know what section, but it's line 557 and 8, under (h) it includes such

things as improvements to the existing interstate rail, highway and water borne transportation system, and I would like to ask you, if as has been stated here that there is great interest in not having a bridge across Long Island Sound from Long Island, why was it not included specifically in line 557 and 558 as were the other type of travel-connecting things?

THE PRESIDENT:

Senator Skowronski, if you care to respond.

SENATOR SKOWRONSKI: (17th)

Through you, Mr. President, I am not sure I understand the question. Is Senator Matthews asking why didn't we include interstate bridges and tunnels or why didn't we specifically exclude it? I am not sure I understand.

SENATOR MATTHEWS:

Why were they not included in here as something that should be excluded from being ever involved.

SENATOR SKOWRONSKI:

What you are asking is why didn't we permanently exclude this?

SENATOR MATTHEWS:

Yes.

SENATOR SKOWRONSKI:

Frankly, Mr. President, we didn't attempt to go through a laundry list of those items which we felt ought to be

specifically excluded. What we did was basically set forth some general policies and goals in the act which would give the local authorities authority and discretion to either approve or disapprove projects such as an interstate bridge or a bridge or a tunnel across Long Island Sound; and I would refer, Senator Matthews, I would refer you to lines 352 to line 361 which is language which provides that the local authority shall require that coastal highways and highway improvements, including bridges, be designed and constructed so as to minimize adverse impacts on coastal resources. I think that language there gives the local towns the authority to reject something like a Long Island Bridge or a Long Island tunnel, but we did not get into a process of ennumerating certain items that we definitely did not want because that would have been a time-consuming process. WE just stated certain goals and criteria that we felt we wanted to espouse. Just one last point on this, Mr. President, I remember very vividly at one of the public hearings along the shore and I believe it was in Stamford where someone got up and was very enthusiastic about the bill and very supportive of it and his main reason was that if we pass this bill that we finally would give a local town specific statutory authority for rejecting a bridge or tunnel, that we were finally arming the local towns with some regulations that would give them authority to stop it. And that was his sole reason for supporting the bill.

THE PRESIDENT:

Senator Matthews, you still have the floor.

SENATOR MATTHEWS:

Thank you, Mr. President. Not to press this point too far but I do make one observation or two. One is that when you do include in line 352 etcetera to require the coastal highway highways and highway improvements including bridges be designed and constructed, you are, in essence, identifying very specifically one thing and I don't think that a bridge or a tunnel from Long Island to Connecticut is something that you would call on a laundry list. A bridge or a tunnel is a very immense undertaking and a very critical one to those who would be desirous of not having such an item included. The elements that have already been commented about, I won't repeat, I'll merely add that such an item would certainly change the esthetic elements that are around Long Island Sound wherever the bridge was built not so much the tunnel perhaps on the water itself but certainly at the entrances and exits and it will certainly affect some of the elements of recreations such as boating and fishing. I think what Senator Morano and I are commenting about is merely that while we are doing a bill of such broad depth and attempting to identify the major, not a laundry list, but the major elements that we, as a state and particularly those on the coastal line would like to see identified more specifically, certainly the amendment which Senator Morano has presented which states but not including interstate bridges or tunnels within or across

the coastal area is one which should have been given very specificattention. Thank you.

THE PRESIDENT:

Will you remark further on Senate B. Senator Skowronski.

SENATOR SKOWRONSKI:

Thank you. Just one comment, I really sympathize with Senators Morano and Matthews and personally I oppose a Long Island bridge or tunnel, but my position is basically that of Senator Schneller and Senator Knous. We would hate to see this bill used as a vehicle to preclude that as worthy as such a preclusion might be. It's a very important bill. It affects thing much grander and much bigger than that one item. And we, very frankly, Mr. President, don't want the bill to go back down to the House. We are in the eleventh hour. There isn't much time left. We want to pass the bill and get something on the books. Perhaps an amendment such as this, we might consider next year, but at this point we are interested in passing the bill. We feel that there is sufficient language in here to justify a town stopping such a project and we say let's pass the bill and perhaps next year we might consider such an amendment. Thank you.

THE PRESIDENT:

You are welcome. Will you remark further. Senator Morano, for the second time.

SENATOR MORANO:

Mr. President, I have heard a lot of verbal rhetoric here that makes me wonder. It makes me wonder after I read here that this bill addresses itself to electric generating facilities, facilities for storage, receiving or processing petroleum products and other fuels, improvements to the existing interstate rail, highway and water-borne transportation system. Now if you consider everyone of these items, that I just read, where was the bridge, where was the tunnel when you went into specifics. Is there a little hidden trick here? That's why the amendment is before you. I would like to think, maybe, you forgot. So I am reminding you today that in the existing definitions that we have in this file, you failed to include tunnels or bridges. Now don't give me all the hot air about the bill going to get lost here. I have been here nineteen years and I've seen bills come from the House and upstairs five minutes to twelve and pass in this chamber. And you are not going to lose this bill if it goes down to the House. The rules, after the bill is passed, and amended I hope with Amendment B, can be suspended for immediate transmittal to the House and under suspension of the House because they want the bill they will pass it. I dare you to do it. It's a good bill. Put your money where your mouth is. Senator Schneller says that he addressed this problem in New York. I addressed the same problem in New YOrk in 1961 with

Senator ? from New York State and the Commissioner of Suffolk County in Long Island. Now I'll tell you why you may not have it in here. For years they have been trying to get a bridge from Oyster Bay to Rye, New York and they are not having any luck and I don't think they are going to have any luck. So the next place is Connecticut. Bridgeport. Mandanici doesn't want to go over the water, he wants to go under it. But why don't we stop both? We stopped it in 1969 and we ought to stop it in 1979. I urge adoption of the amendment.

THE PRESIDENT;

Will you remark further on Senate B. Hearing no further remarks, announce an immediate roll call in the Senate.

THE CLERK:

An immediate roll call has been called for in the Senate. Will all senators please come to the chamber. An immediate roll call has been called for in the Senate. Will all senators please take their seats.

THE PRESIDENT:

We are voting on Senate B offered by Senator Morano. The machine is open. Have all senators voted. The machine is closed. The Clerk will take a tally.

The vote is 9 Yea - 25 Nay. SENATE B FAILS.

THE CLERK:

The Clerk has Senate Amendment Schedule C offered by Senator Morano. LCO 9753.

THE PRESIDENT:

Senator Morano.

SENATOR MORANO: (36th)

Mr. President, I move the adoption of Amendment C. If I may waive the reading, I will summarize.

THE PRESIDENT:

Question is on adoption. Is there objection to the waiving of the reading. Hearing no objection, proceed Senator Morano.

SENATOR MORANO:

Mr. President, members of the circle, the subject that I am about to address myself to is salt water and I think I have tasted enough of it today, so with that in mind, I withdraw the amendment.

THE PRESIDENT:

Senate C IS WITHDRAWN. Further discussion on the bill that is before us.

SENATOR CUNNINGHAM: (27th)

Mr. President, I wasn't prepared for that sudden withdrawal of that

THE PRESIDENT:

Just a moment, I haven't recognized you yet, sir. Senator Cunningham, did you wish to discuss the bill further.

SENATOR CUNNINGHAM:

Yes, Mr. President.

THE PRESIDENT:

The Chair recognizes you. Proceed, Senator.

SENATOR CUNNINGHAM:

Thank you, Mr. President. I rise in opposition to this bill. I live near the water in Stamford and despite the support of the bill by the mayor who does not live near the water in the City of Stamford, I find this bill to be objectionable. I believe we will not only be increasing government regulation, we already have too much government regulation in this particular area. We can't even cut the tall grass on our beach because that violates regulations which are already there because it's in coastal wetlands. Mr. President, the underlying premise of this legislation is faulty. It is that we are continuing and will continue to further progressively invade our coast lands and destroy them. Mr. President, I submit that the problem is not an increasing one but a decreasing one. The problem of the lack of recreational coastline is a fallacy. Mr. President, the population of Connecticut not only is not increasing significantly today, but anyone with any knowledge of demography would conclude that we are in a situation known as insipient population decline. Mr. President, we could eliminate all the regulations we now have of our coastlines, eliminate all of them and we would do a very little harm. Mr. President, we will do more harm by increasing our regulations by saying that we are going to add these regulations now and give the communities

in the state power to add more regulations later to continue to take away the freedoms of this free people. Mr. President, I do not know if there are any other members of this chamber who will vote against this bill but I, for one, as one who loves not only a political freedom but also an economic freedom who believes that we are overregulating. Mr. President, the trade-off between what is supposedly gained and these costs of freedom, I find to one which does not suffice. Mr. President, I would urge the members of this chamber to reconsider how they may have already committed their votes and to vote against this bill. Mr. President, this bill is a mistake. Thank you.

THE PRESIDENT:

Will you remark further. Senator Schneller.

SENATOR SCHNELLER: (20th)

Mr. President, I rise to support this legislation. As I have indicated earlier, everyone of the eight cities and towns that I represent border either Long Island Sound or the Connecticut River and all are included in the coastal area. If I didn't realize it before I came to this legislative body five years ago, my involvement as a legislator and becoming involved in some of the coastal problems of my senatorial district the silting in of coves that years ago were navigable, the pollution of streams and marshes and coves that years ago were clean, the kinds of changes that have taken place along the

coastline and people are now crying out to me as a legislator to have the state do something about, to me is the most perfect evidence of the fact that something needs to be done to better manage our coastlines. There are many people who feel that local communities, the inland wetland legislation and the tidal wetland legislation that had been passed in recent years are satisfactory. Unfortunately, we see continuous erosion and siltation and pollution and that's why, in my opinion, we need a better set of standards to be administered at the local level. Senator Cunningham has indicated that the population has become stable and will decrease along the coastline. Living there, as I have, most of my life almost all of my life, I can tell you that's simply not true. There is an attraction to the water and if you ever took at the population densities of the entire United States where do you find it? You find it ringing our oceans and our Great Lakes areas and that's the reason that the federal government offered the State of Connecticut a grant to study for three years to develop its coastal areas as it has to all over coastal states because the density of population will continue to increase along our coastlines. And that's why we need this type of legislation because unless we can better manage our coastal areas, they will continue to silt and erode, stagnate and recede. The building of roads alone along the coastline and the drainage systems that are daily pouring into the rivers and streams that feed into the coastal areas are causing tremendous

siltation and what causes roads - increasing population. And I could go on and on but let me tell you. If we want to give any kind of coastline that is usable, livable to posterity, we had better step back and post some regulations or policy guidelines that will be administered at the local level because continued development in the next fifty years in the manner that we have developed for the last fifty years will simply destroy what was once a beautiful coastal area. I think this is a very important bill, a very important piece of legislation. I want to congratulate Senator Skowronski and Representative Anderson in the Environment Committee for taking a very difficult piece of legislation because this does have all the emotional impact of local control, local zoning or overriding local zoning, in my opinion, it doesn't do that at all. It helps local planning and zoning in those areas dealing with a very special set of circumstances and that's the coastline. And I would certainly urge all members of this circle to support this legislation.

THE PRESIDENT:

Senator Ballen.

SENATOR BALLEN: (28th)

Thank you, Mr. President. I rise to support this very important piece of legislation. During the past several years I have heard and I have read and moreimportantly I have seen because I live in the Town of Fairfield which has several miles on Long Island Sound of coastal land, the deterioration that

has been occurring on our coastal areas. And I think that this bill will provide a better management of coastal resources and at the same time it will allow for local autonomy in the decision-making process. I think it is a very good blend. It's not too tough an act and yet it will provide certain very important beneficial restrictions in the area of coastal management. I am afraid that if we don't do something and do it fast to preserve our fast disappearing coastal areas, we will face a situation that is irreversible. During the past years over half of the state's biologically important tidal wetlands have been destroyed and most of this destruction has occurred since the 1940s. The shellfish beds have been polluted and the state's once flourishing shellfish industry has almost disappeared. Development along our coastal lines and shorelines has been intensive. If we don't control it to some degree, I am afraid there will be no shoreline, no coast area, no beaches left in the very near future. Pollution of the sound has been increasing and at an alarming rate. Both commercial and sport fishing has been restricted as well as swimming areas. There has been flooding and erosion that have caused major problems. Mr. President, for these and for many more reasons and for the most important reason of all to preserve what is still left of our very important coastal areas, I would urge this circle to adopt this very important piece of legislation. Thank you, Mr. President.

THE PRESIDENT:

Will you remark further. Senator Cloud.

SENATOR CLOUD: (2nd)

Thank you, Mr. President. Mr. President, I rise to support this important piece of legislation. I believe that this piece of legislation we are considering today marks a very important step in the ability of our state to plan for the future. The planning and development committee which has jurisdiction over planning and home rule matters carefully reviewed this proposed legislation particularly in light of the recently adopted state conservation and development policy plan. In our review, the committee found the basic goals and the policies to be in conformity with the State Plan and added the stipulation that in coordinating the activities of public agencies that the CAM program be consistent with the State Plan. Among the goals set forth in this bill from an economic development point of view is the promotion of the development and redevelopment of existing urban and commercial fishing ports for water and marine dependent uses and the protection and upgrading of facilities serving the commercial fishing and recreational boating industries. These areas were of specific concern to the committee and are completely consistent with the goals and policies of the State Plan. Further, the planning and development committee reviewed the bill in light of its effect on municipal autonomy in Connecticut and the committee was satisfied

that the (next few words unintelligible, end of record) set forth the best possible plans among plans which, while at the same time safeguarding the autonomy of local governments in the shoreline towns about the state.

Mr. President, I believe that this bill strikes an acceptable balance in our struggle to plan for the effective use of our precious resources in the future development of those resources and I would, th-refore, strongly urge its passage and in doing so, I commend the work of Senator Skowronski, Senator Knous and Representative Anderson and the other members of the Environment Committee for their work on this most important piece of legislation.

THE PRESIDENT:

Senator Cunningham, for the second time on the bill.

SENATOR CUNNINGHAM:

Thank you, Mr. President. Mr. President, I cannot help but reply to Senator Ballen and also to Senator Schneller for some of their comments. Senator Ballen, in particular, speaks of growing pollution of our waters and so forth. Mr. President, I have observed in the last seven and one-half years living close to the water a gradual improvement in the waters of Long Island Sound and the City of Stamford. The question is why are the waters improving? Mr. President, the steps to reduce pollution going into our waters have already been taken. If we did nothing and we do not pass this bill, we will see continued improvement. We are acting, if we act on this, on the basis not

of a real need into the future but of looking at a past need. If we go back for many years as Senator Schneller did and say - well, it's worse today than it was twenty-five years ago, I could say - yes, the waters are worse today than they were twenty-five years ago, but are they worse today than they were five years ago. The questionisn't whether we are correcting past problems going back in time or whether these problems, because of the dynamics of our aqua-systems are already resolved by legislation on each level already done. We do not need this bill to solve these problems. There has been no answer made except that Senator Schneller said - well, although Senator Cunningham feels that our population isn't going to be growing, he felt that well, along the waterfront it is going to be growing apparently significantly.

Mr. President, I would submit that although during the years of 1950s and the early 60s, we did see substantial increases not only in our shoreline populations but in the use of our shoreline. And the years ahead any increase will be minimal. We are again acting not on problems for the future, Mr. President, but on problems for the past. And Mr. President, not only is it a question of local zoning as well brought out by the attempted amendment which I supported from, ah, presented by Senator Morano, but it is a problem of freedom to the individual. Mr. President, the Tenth Amendment of the Constitution of the United States leaves powers not delegated to the federal government

to the states or the people. The concept here, Mr. President, is should the state act or should we leave rights to individuals. We have more than enough regulations already. We do not need more regulations of our coastline. These regulations have already been passed. We do not need more. Mr. President, how far inland will we go. We are now going a thousand feet and I understand that goes up rivers. How much further will our society go in dictating what people can and cannot use when they can build, what limitations they have, what additional things they must do with their property. Mr. President, I urge defeat of this bill. Thank you.

THE PRESIDENT:

You are welcome. Are you ready to vote. Announce an immediate roll call.

THE CLERK:

An immediate roll call has been called for in the Senate. Would all senators please come to the chamber. An immediate roll call has been called for in the Senate. Will all senators please take their seats.

THE PRESIDENT:

Senator Skowronski, for the second time on the bill.

SENATOR SKOWNRONSKI: (17th)

Not to debate further, Mr. President, but just a few closing remarks out of pride of the bill and as chairman of the environment committee, the Senate Chairman, because I do believe that it is the major bill of our committee this session.

I think the debate on the amendments really summarized the bill. It is basically a product of many years of hard work. Many years of drafting and it is a bill that is responsible and acceptable to all sectors of our state. And I just would like to acknowledge the efforts of a few people, Mr. President, who worked so hard to make this fine piece of legislation, Representative John Anderson, the house chairman of our committee; Doc Gunther who was in the forefront many years ago; Fred Knous who was the chairman of the CAM subcommittee of our committee; all the members of the Environment Committee and particularly Representatives Belaga and Emmons. I told Representative Belaga that she worked so well on this bill that I thought she was a Democrat, Mr. President, and I am checking the voter records of the Town of Westport to verify that; and also the hard work of our Environment Committee staff - in the gallery - and perhaps most of all, Mr. President, to the CAM staff and I would like them to stand - Art Rock, Glenn Gross and Jane Hart, wherever she is. I think they all worked hard. It's a good bill and i call for a roll call on the vote. I believe there is opposition from Senator Cunningham.

THE PRESIDENT:

Senator Morano, do you wish to remark further on the bill.

SENATOR MORANO: (36th)

Yes, Mr. President.

THE PRESIDENT:

Do you want to thank the minority that is opposed and any of the staff that helped you, at this time, Senator Morano. If not, remark on the bill, Senator.

SENATOR MORANO:

Before Senator Cunningham decides to get up and I can get a few words in, I want Senator Skowronski to know that Doc Gunther did run the forefront but old senators never die, he still is in the forefront.

The concept of this bill is a good one and no one can deny that and what we see is very interesting, what we don't see is vital. I still haven't had my question answered and maybe that's why Doc is always talking about the lawyers because I couldn't get an answer today and I am beginning to believe him. Maybe that's why they never become judges. I'm disappointed that the amendments did not pass. I would have been very comfortable with a one-liner indicating that local autonomy was preserved by this bill and I would have felt a lot better if you had adopted the second amendment which would not allow a tunnel or a bridge. So I suppose we will have to take the half a loaf as Senator Cutillo has said and eat it. And again I say this is a hard loaf and I ain't about to eat it. I am going to support the bill. Thank you.

THE PRESIDENT:

You are welcome. The machine is open. Have all senators voted. The machine is closed. The Clerk will take a tally. The vote is 33 Yea - 1 Nay. THE BILL IS PASSED.

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MR. BUCKI (Continued): they have come up with a figure of about $13,000,000 being appropriated for the rights of Rooster River. The last appropriation has been a short-term bond, as I understand it. This is -- I'm just merely repeating what has been on the newscast. Now, we all know that you cannot take five gallons of water and pour it into a four-gallon container without spilling it. Now the people at the lower end of Kings Highway, along the Rooster River towards Villa Avenue, Laurel Avenue, as far as the Brooklyn Country Club, up along Valley Road, up further up there, the people have experienced over the years the flooding conditions.

Now we have mentioned -- I have heard mentioned that tides do affect the water flow into Fairfield, but the individuals that suffered on January 21st we found out that the water was four feet higher than the tide was out in Long Island Sound. So you cannot state the fact that we are always affected by the high tides. Now the thing is that speaking with the individuals -- the residents -- we find out that there seems to be a conflict between departments of commissioners. Whether it is the lack of communication, but why is it that some environmental departments they are to have control over the filling ins of wetland, which result in encroachment on the wetlands, and now we have come up -- like one gentleman had stated that the channels of this river is becoming narrower and narrower. So that I would say if a study is necessary for the lower part of Fairfield to contain this water, I would suggest that they go ahead with it.

Thank you.

SEN. SKOWRONSKI: Thank you very much, and that concludes our testimony on Bill 7724. We'll now take testimony on Bill 7878, which is the coastal management bill. The first speaker is Martin J. Ryan, Jr.

MR. RYAN: My name is Martin J. Ryan, Jr., Vice President of Stratford Land and Improvement Company, a member of the Bridgeport Harbor Development Committee.

SEN. SKOWRONSKI: Mr. Ryan, maybe you'd better hold standing, we're on Bill 7878. We have copies of it here. It's the coastal area management bill and once again Martin J. Ryan, Mr.

MR. RYAN: My hame is Martin J. Ryan, Jr., Vice President of Stratford Land and Improvement Company, and a member of the Bridgeport Area Chambers Harbor Development Committee.

MR. RYAN (Continued): I'd like to thank you gentlemen for giving me this opportunity to speak in opposition to Bill 7878. I have been involved with coastal area management I think part of the -- it was part of the outgrowth of the New England River Basin Commission on a federal level and also I think the federal government, in the case of some states that were not living up to their environmental obligations where the federal government was implementing a federal act. However, as I analyze this bill which I received several days ago, I'd like to say that I think it is absolutely contrary to the concept of coastal area management as is presented by Senator Ribicoff and Senator Weicker's committee, in that concept of coastal area management was to marry commercial development, recreational and conservation interests. This bill, aside from the fact that as I've read it, and I'm not an attorney, although I've spent many years in litigation with the Department of Environmental Protection, and probably could get my law degree in environmental law, there are so many aspects and vagueness in this bill that it would render 127 miles of coastline in a position of no development whatsoever.

In addition to which there are many aspects of this bill that have to be considered unconstitutional. I think one of the interesting things, and I know it's late, you fellows do a great job, I don't know how you do this every night, but the only way I could really make sense from this bill is to take some of the paragraphs, and I'm sure I've missed a few, but I think it's significant in Paragraph 86 where a deletion of "and constitutionally protected rights of the private property owners" is deleted. I think that's significant because as and if the Legislature analyzes this bill, they're going to find in areas that although there is a statute enabling the local municipalities to administer, we also do have agencies that administer the same concepts. For example, on Line 170, Page 5, --

SEN, SKOWRONSKI: Before you go on, just to respond to your comment

MR. RYAN: Line 85

SEN. SKOWRONSKI: They deleted the language constitutionally protected rights of private property owners. But, if you'll notice, they amended the bill, by saying that the expansion and development will be on State-owned recreational facilities only. So that's why they took out the language on constitutionally protected rights of private property because the bill says that the expansion and development

SEN. SKOWRONSKI (Continued): will occur only on State-owned facilities. So there's a trade off there.

MR. RYAN: Then my reactions to that would be that there is no consideration that I've been able to find in this bill that indicates compensation for a landowner for the inability to use his property. I don't see that in here, and may I ask the question, does this legislation provide for compensation for landowners who cannot use their property because of this legislation?

SEN. SKOWRONSKI: I don't believe it does, anymore than any landowner would receive compensation if a zoning board because of zoning regulations rendered the --

MR. RYAN: Under certain zoning regulations they do receive compensation. For example, under the Title Wetlands Act, there is a section which would be contrary to this. Although I'd have to say that the way I read it, which may be incorrect, the fiscal responsibility is now going to be shifted to the municipality and the municipality would be liable for the damages if they existed. The Public Act 695 of the Wetlands provides for a situation where a landowner cannot use his property because that land has been determined to be preserved as either a title wetland, or whatever, and then there is a compensation factor in the bill itself. So although zoning is not all encompassing to that extent, even though it's a zoning regulation, if
Belt 8 it is confiscatory by the nature of restriction, then it is confiscatory and it would be liable for damages. Every landowner has a right for some use of his property and zoning will permit some use, but I don't want to beat that up other than the fact that when I saw that it was kind of prophetic, because there was no where else in here where I saw any provision for that.

A classic example, and I won't cite the page because it would take too long to find it, is under this bill a certain area could be preserved for water related uses. Now that makes a lot of sense to me, if they're located on the water, and no other uses. However, after appearing before the Zoning Board and getting the approval for water related uses, I then had to go to the Department of Environmental Protection and they deny me. Now they deny me, then I can no longer use that property for water related uses or non-water related uses. So that at that point I have no use for the property.

MR. RYAN (Continued): I'd like to add -- I'd like to skip around that say that -- let's see if I can pick it up here. One of the things, for example, on Line 321, you refer to visual quality. To me that's something that is pretty hard to determine since it depends upon what you visually like to look at. My favorite sight is a dock with a hundred thousand ton freighter at it, but visual quality is something that is going far and beyond any regulatory agency's ability. Beauty is in the eye of the beholder.

Just some other comments. I'd like to take a minute to -- I'm trying to cut this down because of the hour.

SEN. SKOWRONSKI: We appreciate that. Without wanting to

MR. RYAN: Another apsect of this is that the way the law is written, one adjoining property owner or 25 people in a municipality can No. 1, require a re-districting, or No. 2, if they don't like the way the municipality is handling it, for example, there are a few municipalities I know who may or may not speak against this and they're not going to have any part of it. 25 people which are easy to find have a right to go to the Commissioner. Any development, and I don't think this is the intent, I think this is the way it came out, any development under this regulation, I can tell you from experience, is going to be in litigation. If this law -- if this is enacted, first of all, most of this law is being tested now and hopefully the results of those tests will be forthcoming within the next six months to a year, which would render a great deal of this unconstitutional. But the fact of the matter is, from a practical point of view, that any effort for development of any kind is going to easily find 25 people who are going to be opposed to it and this is going to bring to end any development.

Now what's happening, the northeast is strangling from a transportation point of view. We're the suckers in the energy battle. Our ports, the port of Bridgeport, the port of New Haven, Norwich and Stamford, are going to become more and more vital in terms of cost of transportation and movement of goods as our cost of fuel, restrictions on highway development become greater and greater, and this bill reduces any possibility for future expansion from a practical point of view, although I know it's not the intent. What I'm trying to say here is that coastal area management is an excellent thing for the State of Connecticut. This is not specific. It's going to invite litigation. It will be appealed. This law, if it is

MR. RYAN (Continued): enacted, will be appealed. It will take ten years to do it, but it will stop in the meantime any intelligent development of our 127 miles.

Thank you very much.

SEN. SKOWRONSKI: Thank you very much. Next speaker is Michael Moore.

MR. MOORE: Good evening, Senator Skowronski and members of the Environment Committee. My name is Mike Moore. I'm the Executive Director of the Connecticut Construction Industry Association. The reason I'm here testifying before you this evening, you may know our association is being made up of road builders. We also represent developers of just about every type and particularly those individuals who dredge in the coastal wetlands that this Bill 7878 would regulate.

I want to commend the Committee on the great amount of work that has gone into this. I carefully followed it for the past year, year-and-a-half -- the work that you've put into it. It's really amazing and for my association we wish to express our gratitude for a job well done in touching upon the issues of concern for all of us in the State of Connecticut and our concern that we maintain the natural resources that we have in our State.

We had a few specific suggestions and, in fact, they run into several pages which I do not yet have typed, but I will submit that to the Committee at a later date, perhaps next week at one of our hearings throughout the State. I want to testify this evening - I'm an attorney and an engineer and I'd like to testify this evening on the basis of an attorney. And this bill, for those of you in the audience who haven't read and who have tried to read it, I sympathize with you. I'm egocentric enough to think I'm a pretty good attorney, but out of this 37 pages - I've read this bill five times and I'm still not certain that I understand it. But some of the things that I think I do understand and that are particular importance to a city here at Bridgeport, a city that has led the way in saying to the State of Connecticut, we want to maintain our own right to maintain our coastal areas as we see fit without State interference. This bill, in my opinion, takes away the right of the local municipalities to do that. The first twenty pages of this bill talks about what the State policy is for regulation of our coastal areas. I mentioned

MR. MOORE (Continued): I wanted to talk about this bill as an attorney, because from an attorney's point of view I think this bill is a dream come true. There are so many vague phrases, so many different interpretations that are possible for words in this bill, that any environmental action group or developer group that wants to take any action under the bill or against particular provisions of the bill, will have the legal standing to do so before a court. I say that that's a legal dream for attorneys. It certainly guarantees them employment for a long time. What I'd like to talk about though this evening is my belief that this bill does not allow the Town of Bridgeport or any of the other towns in the coastal area, including Norwich, the right to regulate their coastoal areas as they see fit.

After those first twenty pages of defining what the State policy is, on Page 21 in Line 803, municipalities are allowed to develop coastal area management plans - municipal area management plans. They may plan for and regulate activities, structures, etc. That's exactly what they're doing now under their zoning laws. And if at any time the members of the Committee would like to interrupt me, I'd certainly appreciate that so you could answer some of these questions.

What really struck me when I read this bill starting from Page 21, was the restrictions upon the town; what they can do, what they can't do. I start with Line 808, if a town decides to enact a municipal coastal program - and I would suggest to you that there is not much of an incentive for a municipality to do that because for twenty pages the State has spelled out exactly what it would like to see done. But on 808, assuming that the municipality does enact a coastal area program, that coastal area program shall include, there's a whole paragraph there but summarizing it says, that it shall include revisions to the municipal plan, down to Line 823, it shall include revisions to the municipal zoning regulations. All of those shalls are telling the local community what they must consider in their municipal coastal area plan.

In Line 884, we have one of those interesting weasel words that I referred to before as being an attorney's dream. The municipality may act - I'm paraphrasing there - to promote wise management of coastal resources. But what's interesting in here is the inherent conflict between the State, Line 884, the last word in that line, it's ability to promote wise management of coastal resources. Perhaps what

MR. MOORE (Continued): is wise for the town, may not be wise for the State. The conflict and the ability for a conflict to exist is all too apparent. What I don't think is resolved in the bill is who has the final say; whether it's the town or the Commissioner of the Department of Environmental Protection. And, once again, any group, for instance a group who wants to develop under this bill, will say, if the town decides against that development we'll say, your choice was not a wise one. Development, when you consider the overall picture, would be a wiser course, and so they appearl to the Commissioner. They lose there, they go to the court.

In Line 888, once again, the municipality - the municipal planning commission - shall follow the policies and goals set out in Section 22A. That's another Connecticut statute, quite detailed. Tells the town - the municipality - exactly what to do and what to follow.

In Line 893 - it's numbered 894 - says the municipal planning commission shall consider and, once again, they go through a whole paragraph. This goes on for pages and pages; just about ten pages. I suggest to you that after you've done the only thing that Bridgeport will have left is what it already has. In other words, it may do certain things, it may expand its -- it may change its zoning regulations. It already has that power. What its restricted from doing is changing from the very vital concepts that it regards as necessary to ensure either the development or the preservation of its coastal area lands. For instance, once again, in Line 899, it talks about the wise use. Once again the possibility of misinterpretation.

906 is one of the two paragraphs -- starts one of the two paragraphs, which allows the municipality any authority at all. It says that the municipalities may make changes such as modifications in land use categories. Where after a hearing, my understand is that the Zoning Board already has that authority in either increasing amount of acres that is necessary to establish a residential unit, and so on. I suggest that whoever drafted this put this in as a stop to the town so that they're able to say, town, you certainly have the right under this bill to go ahead and enact a municipal coastal boundary, that's right, you do. But, unfortunately, it's so circumscribed, so limited, that what it really boils down to is no rights at all. In Line 914, the municipal planning commission shall submit its proposed revisions.

SEN. SKOWRONSKI: Just -- not to interrupt you but to make a comment.

MR. MOORE: Please.

SEN. SKOWRONSKI: You're commenting on Section 7 and your commenting on Section 8, but doesn't 7 say that the municipality does not have to adopt a municipal coastal plan of development. They may choose not to. Then they don't fall under all these regulations.

MR. MOORE: That's the point. Guess what happens if they don't - the State takes over through the first sections. The State policy dictates.

SEN. SKOWRONSKI: But the State policy -- No, they don't dictate. The State policy affects the town only through the permit process that is referred to in whatever section it is.

MR. MOORE: I agree, but I think that the power of the permit is the whole issue here. The power of the permit allows either the development or the preservation of the coastal area. Without that you have nothing.

Belt 9 Now that the tapes back on, I'm just going to briefly point out the other shall sections which limit the town in what it can do. I'm just going to point them out and not even really go into them in depth, simply so that the Committee will have them and at its own leisure can take a look at them and in their own best judgment see whether I'm on base or not.

In Line 934, the municipal agency shall consider -- once again in 936 in that same paragraph it says, it shall ensure; they're talking about the municipal agency; that's us at Bridgeport, that such regulations conform to; that's their municipal plan, and effectuate the policies and land and water use strategies of the municipal coastal plans revised under Section 7 and 8. In other words, you're incorporating all this verbage and all these restrictions in this statute.

Line 946, they shall submit -- and this is one of the most odious, the most distasteful things, I think, in the whole bill, is that they shall submit proposed revisions of the regulations. In other words, once you enact, assuming that you want to, a municipal coastal boundary plan, any time you want to change it, you've got to notify the Commissioner of DEP, and if he does not agree with your changes, well,

MR. MOORE (Continued): that's not specified in the bill, but since the Commissioner is the one to coordinate everything, I would suggest that a legal interpretation of this document would say that the Commissioner of the Department of Environmental Protection has the final say and you're overruled.

SEN. SKOWRONSKI: No, you're wrong. If you look at Line -- beginning with Line 959, it says upon receipt of the Commissioner's comments, the municipal agency may adopt -- may modify and adopt the proposed revisions.

MR. MOORE: Okay, but if you will look at Line 1018, the Commissioner shall -- and we're talking about power between the Commissioner and the town -- the Commissioner shall review them, that's changes, in the regulations for consistency with the municipality's previously adopted municipal plan and the criteria listed. That certainly gives him final regulatory oversight of any changes.

SEN. SKOWRONSKI: No, I hate to disagree with you, but if you read on to Line 1026 and 1027, again it says, upon receipt of the Commissioner's comments the municipal agency may modify and adopt the proposed amendment.

MR. MOORE: What's interesting, though, to take into consideration is the total power situation between the town, who usually, as far as environment, has perhaps one or two persons, maybe Bridgeport has a few more than that, versus hundreds on the DEP staff. This bill talks about balance between eco-structures and things that I've never even heard of. It seems to me that when a town has a particular problem saying, will this particular development affect the coastal area or not, they're going to turn to DEP for advice, and that advice is going to be pretty powerful, pretty persuasive, and they're going to rely upon it.

Okay, let me just go and finish this. In Line 1301, there are several more that I'm skipping here but in Line 1301, I think it sums up what I've been trying to say about the power between the Commissioner. It says, the Commissioner shall have the overall responsibility for general supervision of the implementation of this act. In other words, I read that paragraph as saying, the Commissioner has the final authority, and they're saying this act. They're saying not only the state regulations which were in the first -- State policies which were in the first twenty pages, but also anything that the municipality might adopt - that's Bridgeport - the Commissioner shall have the final say about

MR. MOORE (Continued): the supervision of the implementation of this act and shall monitor and evaluate the activities of the federal and state agencies and the activites -- here's the clue -- and the activities of the municipality to assure continuing effective coordinated and consistent administration of the requirements and purposes of this act. It's a pretty broad grant of power to the Commissioner and I would suggest, once again, that that final reading, and reading that in light with some of the others that Senator Skowronski has brought forth and that I've talked about, reading those all together, I think the balance has to lie with the Commissioner.

Okay, finally, in Line 1338, states that a coastal municipality - that's a city like Bridgeport - may submit written testimony to the Commissioner. What's interesting here is that it talks about changes, about allowing building to go on. You have Section 19, which starts in Line 1335, allowing the local community to appear as what we call a party of record; that means someone who has an interest in a matter before the court. And then in Section 20, which starts on Line 1345, you have the reverse situation, in which the Commissioner of DEP may appear before the town. Either one of those authorities granting the permission to build. What I don't see in this bill is who has the initial jurisdiction. I guess perhaps it would depend upon whether the municipality enacted a municipal coastal boundary plan. Senator?

SEN. SKOWRONSKI: No, it's very clear in Section 15, Line 1153, that the initial decision on development or the issuance of any permit will reside with the local municipal zoning commission.

MR. MOORE: You're reading from Line 1153?

SEN. SKOWRONSKI: No, I'm summarizing, but I believe --

MR. MOORE: I would suggest that if you're reading from that paragraph at all you're misreading it. It talks about site plans, but go ahead.

SEN. SKOWRONSKI: Well, I think the site plan is the procedure for obtaining the permit and the judgment as to whether the permit shall issue will reside -- will be -- is vested in a local municipal agency; be it the planning commission, the zoning commission, and again it's a 37-page bill and I can't remember which agency. I think the municipality can designate which local organization shall issue the

SEN. SKOWRONSKI (Continued): permit. It can be the planning commission, it can be the zoning commission, it can be

MR. MOORE: Can it be the Commissioner?

SEN. SKOWRONSKI: No, it can't be the Commissioner?

MR. MOORE: Then why Section 19?

SEN. SKOWRONSKI: Well, Section 19 may be overly broad. I think your point is very well taken, but I think for you to say that you're not sure who issues the permit -- it's very clear in Section 15 and other sections around it that that power is clearly vested with the local municipal agency.

MR. MOORE: I appreciate that reassurance and would ask your Committee to take a look at Section 19 and find out how the Commissioner ever gets involved in this process anyway except perhaps as an appeal from the developer or from some group interested in preservation of the environment.

That's the end of my testimony for this evening. I appreciate the Committee's attention. Thank you.

SEN. SKOWRONSKI: Your question as to whose vested with the authority on the permit, I would suggest you look at Section 12, 13, 14, 15, in that area.

MR. MOORE: Do you have the numbers?

SEN. SKOWRONSKI: From Section 12 on. I believe that all of those make it very clear that it's the local municipal agency that controls the development. I think it's one of the very good features of the plan. Anyway, we can discuss. I know that you will be reappearing and I know that I'll be reappearing and all of us will. We can debate this further. Thank you.

MR. MOORE: I appreciate -- thank you.

SEN. SKOWRONSKI: Allen Berrien.

MR. BERRIEN: My name is Allen Berrien. I am appearing on behalf of myself and partially on the Marine Trades Association. I own a boatyard in Milford and a member of the Connecticut Marine Trades Association, and I have a couple of prepared notes and comments I'd like to make.

MR. BERRIEN (Continued): We, as an association, are giving this testimony, giving the background of a survey that we just completed about a week ago that in the last five years 31 boatyards have gone out of existence within the State of Connecticut. We have identified those 31 boatyards and those names and addresses are available to you if you want them. We have identified 11 that will probably go out of existence within the next one year, and according to DEP there have been only two applications for new installations within the last five years, and those are applications of non-approval.

We, as an association, urge that this legislation be passed for the following reasons. It provides for a central role by coastal communities in dealing with the problems associated with burgeoning shore front development. All this development affects the State as a whole. It is most clearly and directly a concern of the communities affected. The act is, therefore, both fair and workable. The bill does not force coastal planning on any community. The development of local coastal management programs is entirely voluntary, and we sincerely hope that all coastal communities will seize upon the opportunity provided by this bill to take an active role in guiding the course of development along their shorelines. We believe that the bill provides fair and adequate guidelines for developing municipal coastal programs and for distributing federal aid to do so.

The bill directly confronts a critical coastal issue; the continued appropriation of scarce shore front land and forcing out of many traditional shore front uses by developments that have more pressing need for a shore front location. It confronts this issue by establishing as a matter of legislative policy the priority treatment of water dependent facilities, whether commercial, industrial or recreational by regulatory bodies at all levels of government. In this vein we are particularly pleased by proposed policies regarding port redevelopment and restoration for water dependent use. The reintroduction of waterfront recreational opportunities into urban areas is long overdue.

We are also pleased by the legislation's commitment to improving recreational boating opportunities by limiting the encroachment of non-water dependent activity into areas where interference with boating and the facilities that support it will result. We support the initiation of long-range dredging programs in cooperation with the

MR. BERRIEN (Continued): federal government. The critical problem of dredging of navigational channels and the disposal of dredge material must be addressed immediately if the State's economy is not to suffer irreversible damage.

We believe that the bill's recognition of the great importance of recreational fishing and the promotion of fishing access and stock management programs is crucial to this long overlooked and very important recreational pursuit.

We support the first for protection of the bill that provides the vital marine and coastal habitat and sensitive natural features, such as wetlands. We agree that such protection is absolutely essential to the maintenance of recreational opportunity and to the financial well-being of those of us who service the recreational public. We ask, finally, that environmental protection be undertaken in a fair, reasonable and consistent manner. And the word consistent is key here. To our line of thinking, the unpredictability forced on our industry by the present processes is completely unacceptable.

We believe that the passage of this legislation would contribute to that goal. We believe that the bill addresses the problem of great concern to those of us in the marine recreation business; that is, the proliferation of uncoordinated and often mutually contradictory regulatory programs at all levels of government. The frustration and expense of trying to obtain the various local, state and federal permits presently required for coastal development of even the most minor sort can only be appreciated, if that's the right word, by experience. This legislation will bind local and state and federal regulatory bodies to a common set of goals and policies and mandate that consistency with these be reflected in all State activities and plans and in the course coordination and consolidation of Department of Environmental Protection regulatory programs.

We recommend nevertheless that a number of modifications and additions be made in the text of the bill to strengthen the protection it will afford the marine recreational public, and there will be a couple of errors in my references because we were working from the composite and staff document and this bill wasn't available to us until just a couple of days ago, so that we may make a mistake in a line or two here, but. The recent amendment which used to be Goal 5, which is now called Goal 6,

MR. BERRIEN (Continued): Section 2, subparagraph 6, which deletes reference to recreational opportunities in general, and limits attention only to state owned facilities, fails to recognize that the public's recreational needs are met by a complex of local, state and private facilities of all kinds.
Belt 10 The continued vitality of this entire complex is vital to the public interest. Reference to general recreational opportunities should be reintroduced. With reference to Goal, on page -- it used to be G4, it's now on page 5, line I believe 181 but I'm not sure of it. We agree that every possible effort should be made to ensure that marina development be made more acceptable in environmentally sensitive areas. These efforts may include but should not be limited to utilization of ramps and dry storage, however. We believe that more general and flexible language would encourage this sort of ingenuity and variety that will result in solutions to this problem.

We are in agreement with the bills identification of coastal uses and facilities as of national significance. On page 13, we don't, however, agree that only state and federal facilities are of national significance. Again, we would point out that the public's recreational needs are served by a wide variety of public and private facilities. These collectively are all of national significance. We recommend the deletion of the reference to state or federally owned facilities. And as a separate comment with the budgetary limitations on the state municipalities, it would be foolish to place in legislation specific wording that states that the private sector is not of national significance.

With reference to the, it was C on page 24, we believe it's now 27, we agree that submission of a coastal site plan by an applicant is a reasonable requirement. But we have considerable reservation as to the technical and financial burdens that would be imposed by producing some of the information requested. For instance, assessing the capability of resources to accommodate the proposed use, assessing the suitability of the project for the proposed site and evaluating the potential benefits, the potential beneficial and adverse effect of the project, all involve determinations and judgments far beyond the competence of most applicants to address without the assistance of paid consultant. We don't for a minute argue that these determinations need to be made prior to our allowing a project to go forward. But that they should be made by the regulatory body, not by the applicant. At the very least, provisions should be made for access to technical or financial assistance if the applicant is expected to do a credible job of producing this type of information. And the comment, some conditions or limitations should be placed on the binding power of local authorities under Section 13, page

MR. BERRIEN (Continued): 29 of the proposed bill. A surety bond is a reasonable requirement only to the extent that it reflects the true public risk involved in the approval of a given project. We would urge, therefore, that the amount of any bond be conditioned on the size, nature and potential for damage of a proposed project. And one of the problems that our industry faces is that our -- as we get further and further to a local scene and into the state and the federal arena, the less realistic things seem to become with the local municipalities needs and it is therefore based on that problem that we frankly believe that the -- present voluntary provision of the bill, the model cities program, should be made mandatory.

The original comments, the original bill made Section, page 3 on the composite bill, this section made reference to a finding being made by someone. But that someone in that portion isn't specified. And I would suggest that that be done. The criteria under which DEP would review local applications for financial assistance should include in addition to those noted, consideration of whether a community was in the process of developing a municipal coastal program, that participation at the moment is voluntary, and if it was the magnitude of that effort in such criteria would be necessary in order to divide up the federal funding that's set aside for towns developing those programs. I believe that's all I have to say. Thank you very much.

SEN. SKOWRONSKI: Thank you very much. Next speaker is Joseph Hodgson.

MR. HODGSON: My name is Joseph Hodgson. I represent the Chamber of -- Bridgeport Area Chamber of Commerce. I think Attorney Moore has expressed my feelings better than I could and I share his admiration for the effort that went into preparing the bill. The bill initially, I think, was a monster as it was initially shaped up. I'm concerned now because I think it has been improved to the point where it's a potential monster. I have a magazine here entitled San Francisco Business and there's an article in here I will not read it but I would like to highlight part of it. Called Coastal Development - A Bureaucratic Nightmare. And it cites a problem that California had where they created a state and local regional coastal commission. The regional agencies were empowered to draw up plans to control the local coastal and coastal development. The intent of the legislation was to devote the bulk of its preliminary efforts towards defining the areas of the coast which are valuable and unique so that no development should occur there. In areas where development is possible, that should be of size and scope and limitations and so forth. Instead they had a developers' nightmare, for

MR. HODGSON (Continued): the state and local condition had taken responsibility for evaluating virtually all facets of coastal construction including the color of houses on the coast, whether or not people could have fences, tool sheds and this sort of thing. Second, the agency has been over zealous in interpreting its powers. It has, for example, gone so far as to require coastal builders to use solar heat and include lower income housing in their projects. Third, the commission's procedure encourages delays, increases costs, fails to notify effective interests about pending decisions and so forth. There are a great many other disadvantages that it cites. It says that it is up now for revisions and the League of Coastal Chambers and I presume that's the Chamber of Commerce activity out there but it says that the League of Coastal Chambers is ready to ensure that when change occurs, it will reverse previous experience by permitting reasonable use of coastal resources with a limit of red tape. And that I feel is what we're after.

I'm not going to attempt to rewrite the bill or point out questionable points in it. I do feel very strongly that there are points which I've already heard back and forth communication on that are not clear, would require interpretation and if you look at Page 15, I think it is -- it could be someone' interpretation that this bill would take in whole townships. I don't think that's the intent but I think it could very possibly be so interpreted. Our concern in the Chamber is the ever-increasing bureaucracy that has been developed by layers of government at local, regional, state and national levels and it's our feeling that any legislation which really adds another state superstructure to the uncoordinated confusion which we now have is not worth voting for and I would not attempt to revise the legislation. I would strongly urge that you vote against it. We do not think it accomplishes the purpose that is intended. Thank you very much.

SEN. SKOWRONSKI: Thank you very much. The next speaker is S. Hasted.

MS. HASTED: OK. My name is Sally Hasted. And I am at 5 DeForest Road in Wilton, Connecticut. And I am testifying this evening for myself, although I'm Chairman of our local Conservation Commission. I've been the Chairman of our local Water and Related Resources Committee. I am a graduate of Yale School of Forestry and Environmental Studies. I spent three years doing research in tidal wetlands and two years studying them. And I worked for three years at Holt Reinhard Winston in the City Editing. And what I have tried to do is go through the bill and find points of it and I had problems with in terms

MS. HASTED (Continued): of whether or not I thought it would work. Basically, I support the act, but I think that it does contain certain elements and shortcomings which really weaken its intent and possibly lead to dangerous misinterpretation. And I would like to ask that the council look over the bill very carefully in this regard before passing it and if you don't have time to do it then, then look it over afterwards and, for heavens sake, instigate certain changes before it is enacted. These problems fall into eight basic categories. I think that it basically represents, OK, there is a basis for decision making which appears to be largely economic rather than ecological. There are several choices of wording which may be subject to misinterpretation. There are several errors in environmental understanding. There is omission of resources in legislative protection. There are passages which weaken the act, passages which may weaken existing legislation.

Focus is placed on protection of resources for the benefit of Connecticut rather than the national or the international benefit of the total environment. And there is a need for provision of adequate funding or manpower, which I don't know very much about finance, but I hope that the thing will be financed adequately to provide for all that you want to be done at the level of the state and municipal, please. You've got a lot to do. Here's basically a few examples of what I'm talking about. In terms of the basis for decision making, which is largely economic rather than ecological. If you check lines 364 through 369, and I've quoted these on that thing I gave you. You don't have to look at your own.

Protect, enhance and allow natural restoration of eelgrass flats except where the benefits accrued through alternation of the flat may outweigh the long term benefits to marine biota,waterfowl and commercial and recreational finfisheries. That's an example of economic benefits outweighing even long term ecological ones. Do you promise you will read what I've given you? OK. Then I don't have to go through it in detail. But fine, OK. A few other quick points. Structural solutions are permissible for a necessary and unavoidable for the protection of intrastructural facilities, water dependent uses or existing inhabited structures. And that makes no mention of even having estimated the amount of coast line this permission could involve. It could involve extensive areas and have an extensive ecological impact, especially if the resource would be impacted here as in the area where structural solutions are sought. And it's also questionable to me whether activities like a house that was built should have -- well whether human activities should be given priority over ecological well being to ensure the continued existence of

MS. HASTED (Continued): ill placed facilities at the expense of the environment. I mean by that, from one end of Connecticut to the other. OK. Choices of wording which leave the act subject to misinterpretations. Now, this is rather touchy. OK. To give high priority and preference to users and facilities which are depending upon proximity to the water or the shore lines immediately adjacent to marine and tidal waters. That's one example. Another is to resolve conflicts between competing users by giving preference to users that minimize adverse impacts on natural coastal resources for providing long term and stable economic benefits. And I won't go through it further. But these lines state the preference will be given to activities which will have a minimal impact on coastal resources or which require location on the coastal water to exist, but they don't say what that preference is in reference to. Is it in reference to serious, more serious environmental impact or is it in preference to preservation of the environment and if you interpret this correctly, with a skillful lawyer, you could get him saying, ah, think our destructive facility has to be based upon the water regardless of the fact that that's the last vestage of remaining ecological resource in the area, you have to give preference to our structure.

And I would just like you to look at that. I'm not a legal person but I'd like you to look at it in that regard. OK. A case like that that has specific bearing on Bridgeport to promote the development or redevelopment of existing urban ports. OK. This has a direct bearing on Bridgeport. A deep water port under this act as it is written could be legally insisted upon by the act over preservation of its draft of Great Meadows. If you argued it right, the way I look at it. I'm not a lawyer.

OK. Near errors in environmental understanding. removal of the legal structure between the low and high water which obstruct passage along the public beach. This should be reconsidered just to be certain that some of those structures are not which might be creating the very beaches they are said to obstruct. Uh, there's another thing here on salinity concentration. The act mandated, or it says, coastal waters waters which contain a salinity concentration that leaves 500 parts per million under the low condition as established by the commission. Well, the only point that I'll make at this point on that, you can read the other part, but the only point that I'll make here is that when there is additional development of the up land surrounding the water courses, you have increased fresh water flowing into those water forces and this is going to consistently push that boundary of coastal waters vs. inland

MS. HASTED (Continued): water towards the coast and you will have a creeping coastal zone. If it's based on salinity alone. I checked with USGS

MS. HASTED (Continued): I'm sorry. I'm rushing. I hate public
Belt 11 speaking. I hate public speaking, I'm sorry. OK. I checked with the USGS on this and they said my goodness gracious, if have a heavy rain, the thing will temporarily move with the coast, you know.

SEN. SKOWRONSKI: Isn't -- if you don't mind my interrupting for a second. But isn't there also something in the bill about a thousand foot line?

MS. HASTED: There are three things in the bill. There is one and I originally had a question but then later on it was answered in another part of the bill. You say at one point it's a thousand feet I think inland from either, at one point the mean high tide and another point it's the inland wetlands boundary and at a third point, it's something else which I can't offhand remember. But at one point, I thought you neglected to say which direction and then I found that you had at one point said inland of that so that was I didn't pick you up on that. OK. Omission of resources from legislative protection, and I'm really galloping through this and skipping a lot. OK. By over specifying the description of certain areas to come under protection and I'm talking about Line 402 through 464. The act is allowing certain areas of coastal resources to not qualify for the specific definition of their characteristics as listed in the act. And therefore, these places could technically become developed without protection.

The only example that I can think of offhand on that that was nice enough to report on was the fact that they say that tidal mud flats are generally devoid of vegetation. Well that's because have been killed off by a blight but it's coming back and 30 years down the pike we may find there's tidal mud flats covered with and some smart aleck lawyer may come along and say, oh but they're covered with stuff and the act doesn't say they're covered with stuff, only partially. But of course, the act will catch up with it in time. So that's not a very good example but it does example what I am talking about.

OK. This is a super example. Degrading tidal wetlands, beaches and dunes, rocky shorefronts and bluffs and escarpments to a significant alteration of their natural characteristics or function. This is a perfect example of leaving a resource unprotected by the act because tidal mud flats are completely omitted from that list and you should pick that up and its line 539 to 542. OK. And again, Lines 202 through 204, they mention only the supply of sediments to the littoral transport system. They should also mention the river and estuarine

MS. HASTED (Continued): transport. I will not go any more into that. Oh yes. A super thing. Line 225. You say to encourage the restoration and enhancement of the degraded intertidal flats. For heaven sake, expand that to include other things, too. There is no sense why tidal wetlands and dunes and mud flats and all sorts of good things should not be also restored and enhanced whenever possible. That's line 225. OK. Passages which weaken the act. This is a problem. The zoning commission made by regulation exempt any and all of the following uses from the site plan review requirements of this section. Now that means many of the activities listed in the section have been found to have significant environmental impact in the tidal wetlands and they can be assumed to pose similar threat to other coastal resources and by omitting them from even a review, you're rather emasculating the act, I think. Although I'm not very up on that sort of thing. OK.

Also, you have a line 1142 through 1145. The commissioner may order that such a public nuisance be halted, abated, removed or modified and that the site of the violation be restored as nearly as reasonably possible. Well change the word may to the commissioner shall order. Because that's something he can give. I should think. OK. Now let's see. OK. This statement places the regulation protection of tidal wetlands under the jurisdiction of an act which is -- I think I've got a wrong page here. OK. One of the problems with the act is that it leads to weakening other existing legislation and it places the regulation and protection of tidal wetlands under the jurisdiction of this act and it really does do this. The intent of the two acts are very different, as I see it. If you look at the intent section of the tidal wetlands act, its intent is to preserve the tidal wetlands and the intent of this act is to more or less to promote the use and the preservation of the coastal area. Now, by placing the tidal wetlands act, there is one thing -- where it says that the commissioner -- yes, OK. The commissioner -- here we go. The commissioner shall coordinate the activities of all regulatory programs under his jurisdiction to assure that the administration of such programs is consistent with the goals and policies of this act.

Such programs include but are not limited to reservation of wetlands and water courses which places the tidal wetlands act under this act. Which could weaken it. OK. And one example of that is to disallow new drainage in tidal wetlands except where a feasible alternative exists. And where adverse impact to the coastal resources are minimal. Where if some lawyer manages to prove that the impact to the coastal resources

MS. HASTED (Continued): is relatively minimal then if there is no feasible alternative to where to place a house or a marina it can go in the tidal wetlands under this act, whereas it may not have in the tidal wetlands act. I'm almost finished. I really am. Let's get to focus placed on the protection of resources for the benefit of Connecticut rather than for the national or international benefit of the total environment. It's a very simple line 100 to ensure that the state and the coastal municipalities provide adequate funding for facilities and resources which are in the national interest. Let's change that to international interest. Wherever possible, throughout the act. Please. Please. OK.

SEN. SKOWRONSKI: We're very provincial. We've been very much

MS. HASTED: No you're not. You're super, I like you. We need a provision for adequate funding or manpower to implement the act effectively. OK. All through the act it says municipalities may apply annually. The commissioner shall provide. The described shall be promulgated not later than July 1, 1980, policies are and so forth and so on. And for heaven sake, you certain there is enough money to implement all of that because municipalities and commissioner don't have time or anything else to do it. OK. Specific comments. Three of them and then I'm off. Line 174, boat mooring facilities, you can place these in mid channel rather than along the coast. I've seen it happen in tidal wetlands all the time. People place all of their little docks and things off the shore and this kills the tidal wetlands. If you have one dock as to a floating stage in mid stream, you do not destroy the wetlands and everybody can get to their boats and they're right in the deep water. Think about that.

Another one is equal emphasis should be placed on recreative fishing as is placed on commercial fishing because recreational fishing takes equal or expedient commercial takes. Equal or exceeds commercial takes. And therefore, everybody's important. And another thing. Why have they apparently removed the review powers and duties of the commissioner? They do that in line 673 722.

SEN. SKOWRONSKI: Remove the --

REP. CASEY: What line was that?

MS. HASTED: 673 to 722. They say that they have removed the review powers and duties of the commissioner? I have a note to that. I don't have the line quoted unfortunately, but that should perhaps be looked into and see if you think it

MS. HASTED (Continued): should be reinstated. But anyway, that thing you have in front of you goes right through with pages and quoted lines. Everything you should be able to follow it and I wish you would. OK.

SEN. SKOWRONSKI: Thank you very much. Where are we. She left but we may have a stand-in.

MS. LIGHTFOOT: It's a hard act to follow and I can't possibly keep up with that speed. Marvelous. I don't think so. Do you want my name as well as Elizabeth Gibbs?

SEN. SKOWRONSKI: Sure. Why should you remain anonymous.

MS. LIGHTFOOT: I'm Muriel Lightfoot from Westport, Connecticut. And I'm reading a statement of Elizabeth Gibbs, City Clerk, Norwalk, Connecticut who is a member of the Coastal Area Management Advisory Board. And I believe that this statement is coming from Mayor Collins of Norwalk, on his behalf.

The City of Norwalk supports the proposed CAM legislation. Norwalk has witnessed the demonstration of large segments of its shorelines through inappropriate development undertaken years ago. We know what an effective tool the inland wetland legislation has been in enabling us to limit development which would otherwise have cost the city hundreds of thousands of dollars in drainage projects. Since CAM legislation is patterned after inland wetland legislation, we look to CAM to provide us with a similar tool to help us protect what's left of our valuable coast. We are experiencing tremendous pressure throughout Norwalk for development. Land values are rising at such a rate that speculation was getting out of hand. Our neighbors to the east who have been resisting CAM legislation will also experience these pressures in time.

If this legislation is not passed now, it will be too late to have much effect on controlling the development in these areas. The development of Connecticut coast line is a matter of concern for the entire state, not just the coastal towns. As responsible elected officials of the State, you are certainly aware of your obligation to consider the needs of current and future generations of Connecticut residents. Irresponsible and inappropriate development of our coast line affects the quality of life for the entire state. The compromise bill before you now combines the strength of the Emmons proposal which would not have met the federal approval and the earlier CAM board proposal. CAM has bent over backwards to accommodate its critics in developing this bill. It will meet with federal approval and will entitle us to federal funding. It includes a guaranteed funding formula for coastal municipalities and

MS. LIGHTFOOT (Continued): a much simplified permit process. It needs considerable discretion in the hands of local agencies and is not, as many critics have claimed, another level of bureaucracy. Coastal area legislation is an idea whose time has come. And will pass if we don't act now. All states on the West Coast have adopted coastal legislation acceptable to the federal government. Connecticut is the last state in New England and one of the last on the East Coast to do so. I urge you to pass this compromise bill while there is still time for it to have some good effect. Thank you.

SEN. GUNTHER: Thank you, Muriel. Well done. I'll let you read my next speech. Barry Michelson.

MR. MICHELSON: Barry Michelson. director Town of Fairfield. Before I begin, I'd like to comment that we got extremely short notice on this meeting. I was informed yesterday by telephone of this meeting and the first draft copy or proposed copy of the legislation I received was at this meeting which left me with very brief time to really review it.

REP. CASEY: Mike, you have four other meetings that you can always come and address.

MR. MICHELSON: Well I was told by the Representative that this was the meeting for this area and that our local representatives would be here. So that's the reason why we're here. As I said, the first time I've seen this document was this evening. My question now was the same as to the CAM advisory committee No. 1, what's the actual need and purpose of this bill in itself. Right now we have under present state statute the enabling legislation to allow us to control through our zoning regulations wetlands coastal environment and any other development in our town. As I said, we don't really see the need the members of my commission nor the present administration for this kind of agency for this kind of legislation, which limits our own and usurps our own power for local determination. You're very clearly assuming certain powers and giving a commissioner of the Department of Environmental Protection powers that exceed or can overrule our local town bodies and elected officials. OK. We see this proposal also as one that limits potential development. Well, as I said, limits the potential development. And as I said, we have extreme concern with any of these types of powers. Right now we're trying to modify, streamline our own regulations against both bills to enable us to regulate our own destiny and certainly to uncumber and to promote certain types of industrial and commercial residential activities. We in Connecticut -- in Fairfield have adopted HUD regulations of our own volition

MR. MICHELSON (Continued): recognizing the need for certain coastal area protection. We also have our own conservation commission. We also have our own special -- through our own special permit process various enabling acts to dam limits or development in the wetlands. But these kinds of powers that we presently have in our regulations, that have been enabled by the State, again, I don't see the need for separate agency or bureaucracy to really -- for this kind of act. Thank you.

SEN. GUNTHER: I would call the attention that you can testify at the -- there's one in Stamford, one in Hamden, one in Groton and Clinton. So that there is no restriction to your testimony. If you want to take an overview of that and make specific

MR. MICHELSON (Continued): going through it and seeing exactly
Belt 12 which deficiencies we feel most uncomfortable with. It's very difficult on this kind of notice. But as I said, we've had concern with the overall intent of the legislation for quite some time and since its inception which we reiterated in numbers of meetings. Especially those held during our own town. I'm the director of planning and zoning control.

SEN. GUNTHER: Thank you. Robert McLevy.

MR. MCLEVY: Mr. Chairman isn't here but the respected elected legislators here. I am business agent for the Carpenters Union throughout this area and I live in Pine Creek, Fairfield, Connecticut. I think I'm acquainted with the water situation after living down there all my life and my father had a deed in the area that he went back to the grant from England. Also, I do believe that the people in our own town that are -- or any town in my jurisdiction that are acquainted with the needs and the progress that needs to be made in the town should be the sole proprietors of the town and they should see that the thing is acted out in behalf of the people and I would be against a situation like this. And after listening to the talk here tonight, I can see where this bill is going to be quite a controversial bill and I do think that it should be tabled or pigeon holed or whatever you fellows do with these bills. For the simple reason being that I represent labor unions, our people have to go back and forth to work everyday and the gasoline, not only is it getting shorter and shorter, it is also getting more and more expensive. And I think on the hearings and I attended quite a few of them, I attended I think about 20 of the ones on Route 25 and I expect to attend

MR. MCLEVY (Continued): many on Route 8. I do think this bill is going to be a lawyers holiday and there'll be all kinds of hearings. And the people that come to the hearings and from time to time there are crowds and the people that come here to take the minutes come down from Hartford, some of the committee come from long distance out of the area and of course, they burn gas going back and forth. And little do they believe that the electric lights that burn in these hearings burn gasoline. I do sincerely hope that the committee take the consideration of the amount of energy that is going to be expended if this law goes into effect and the amount of energy that is going to be expended after the thing if it does go in effect.

If it's handled on a local level it will be that much less energy. Now, we certainly are in an energy crisis when all we hear over the papers about gasoline stations shutting down, some of them only allowing people to get 3 gallons of gas, and please take that into consideration when you go around this bill. This is an energy burning bill. Because of the amount of people oppose it and if it is passed, there will be a hell of a pile of people opposing whatever the bill is. And I want to thank you.

SEN. SKOWRONSKI: Thank you very much. That concludes the list of speakers and if I could thank you all for attending, and with that, I'll adjourn the public hearing.

To go on Recd

1375

TOWN OF STRATFORD

CONNECTICUT

WILLIAM S. HABERLIN
Council Chairman

March 22, 1979

Representative John Anderson, Chairman
Environment Committee
State Capitol
Hartford, Conn.

RE: H.B. 7805, State Bonding for Flood Prevention in Stratford Center and the Bruce's Brook area

Dear Representative Anderson:

On behalf of the Town of Stratford, and as Chairman of the Stratford Town Council, I urge that the proposed legislation which would authorize State bonding for improvements to alleviate the serious flooding conditions which exist in Stratford Center, Stratford, be given a favorable report by the Environment Committee of the Connecticut General Assembly.

Serious urban flooding occurs in the Stratford Center and Bruce's Brook areas of Stratford during most heavy rainstorms, the most recent of which took place this past January. Many businesses incurred severe financial losses due to the flooding in Stratford Center, and numerous families were forced to flee their homes in the Bruce's Brook area. The total monetary loss to these persons from the floods was well over $1 million.

These recurring flooding conditions can no longer be tolerated. Stratford Center lies on Route 113, a State highway. The State of Connecticut must recognize its' responsibilities to aid the Town of Stratford in terminating this nuisance.

In addition, Bruce's Brook has overflowed its' banks many times over the past several years, causing extensive property damage each time. The State must also come to the aid of the Town

of Stratford to help us alleviate this condition.

The Town of Stratford has committed itself to resolving both of these very serious flooding conditions. The engineering firm of C. E. McGuire has been retained by the Town to devise a plan for a pump station in the Stratford Center area; however, due to the complexities of this problem, it may be some time before such a facility is actually constructed and in use. In addition, some modifications have been undertaken in the Bruce's Brook area to minimize the flooding there. Approval of State bonding in the amount of $1.5 million would demonstrate that the State of Connecticut recognizes the severity of both of these problems and has committed itself to help our Town.

One final remark must be made. The recurring floods in both Stratford Center and Bruce's Brook have taken their toll in property damage and inconvenience for many years. The flood this past January, however, caused the first loss of life in the many years that the floods have been a problem. No lives should be even placed in jeopardy by the floods!

As Chairman of the Town Council of the Town of Stratford, I respectfully urge that the Environment Committee of the Connecticut General Assembly produce a favorable report on the proposal to authorize $1.5 million in State bonds to alleviate the flooding conditions in Stratford Center and the Bruce's Brook areas in Stratford.

Respectfully submitted:

William S. Haberlin

William S. Haberlin (RA)
Chairman, Stratford Town Council

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gdp

ENVIRONMENT

State Capitol
Room No. 4-1/2
March 26, 1979
1:15 P.M.

PRESIDING CHAIRMEN: Senator Skowronski
Representative Anderson

COMMITTEE MEMBERS PRESENT:

SENATORS: Knous

REPRESENTATIVES: Allyn, Mordasky, Ahearn, Joyce, Belaga, McClusky, Bertinuson, Casey, Emmons

REP. ANDERSON: Good afternoon, I'd like to welcome everybody here
Belt to the Environment Committee's public hearing, one of five.
#1 And actually, the second one on Coastal Areas Management, which is probably one of the most important bills that the Committee is facing this year.

In keeping with the joint rules of the House and Senate, we will hear first from department heads and then go to the speakers list. We have one speaker's platform which is directly in front of our stand, here, and the first speaker will be Commissioner Stanley Pac, from DEP, to be followed by Hugh Manke, the newly acquired Assistant to Commissioner of DOT.

COMR. PAC: Mr. Chairman, members of the Committee, I'm Stanley J. Pac, and I'm the Commissioner of the Environmental Protection Department. I am here to testify in support of House Bill 7878 An Act Concerning Coastal Management acts.

I believe that this bill will provide the State of Connecticut with a strong, federally approval coastal management program. It will establish a true working partnership between the Department of Environmental Protection and coastal municipalities. This bill, as written, will provide for better management of coastal resources at both the municipal and State levels, while protecting the autonomy of the local decision making process. This bill is the result of a long and truthful effort by many individuals. Special credit should go to the Coastal Area Management Advisory Board, several legislators, especially those that served on the interim study committee, and on the CAM Subcommittee of Enviroment and members of the public who have

COMR. PAC (Continued): participated in the process of refining and revising coastal management legislation done the last two years. I believe, this draft is an excellent compromise between the two versions considered by the interim study committee and contained in their report of January, 1979.

In my judgment the points of major controversy that surrounded coastal management legislation last session, have been resolved by this bill. I believe there are several benefits to passage of this coastal management legislation.

First and foremost coastal municipalities will be given important new authorities to assist in the management of coastal resources. This authority will complement the existing state regulatory programs over coastal resources thereby greatly reducing the chance for conflicting decisions between state and local regulatory programs. This cooperative partnership between my department and coastal municipalities will have the added benefit of providing a greater measure of predictability to developers to the decision making process.

Secondly, the inclusion of uniform policies in this statute will further reduce the potential for conflicts between state, local and federal decisions regarding coastal development and associated regulatory programs. In addition, uniform coordination of state plans, of state programs, using these policies, will reduce the potential for conflict between state agencies regarding both public and private development projects within our coastal area. Of special benefit is the direction and control over federal activities that will be provided through these policies under the federal consistency provision of the Federal Coastal Zone Management Act. This provision in the Federal Act will for the first time, give Connecticut's coastal municipalities and state agencies a strong voice in federal activities which have a significant effect on coastal resources.

The third major benefit of this legislation is that of permit simplification. Passage of this legislation will provide both the vehicle and the mandate to simplify permit process at the state and federal level. It is my belief, based on evidence from other states with federally approved coastal management programs, that permit simplification for coastal regulatory programs, at the state and federal level, can be achieved providing a significant reduction in both the cost and the length of time required to obtain permits for development.

Further, I believe that this reduction in time and cost to the developer can be achieved without compromising the need to protect

COMR. PAC (Continued): and preserve fragile coastal resources. Another benefit and, perhaps potentially the most significant, passage of this legislation will establish a strong partnership between coastal municipal programs and the DEP. The role of each is carefully defined by this legislation and DEP is mandated to provide continued financial assistance and technical assistance to the municipalities in implementing their portion of coastal management. This gives DEP not only the mandate but the opportunity and the mechanism to assist towns in a cooperative effort. Too often in the past, DEP has been in the role of a regulator, that of an overseer. To the continued availability of federal funds under the coastal management program, it is my belief that we can truly assist municipalities in preventing problems before they occur.

The funding formula contained in this bill is both fair and equitable. Research by my staff on the cost of coastal management to both state and the municipal level, convinced me that there are adequate funds, under the funding formulas of this bill to offset municipal costs of implementation while providing sufficient funds for the state to carry out its responsibilities under coastal management.

It is extremely important that neither coastal municipalities nor the state program be short-changed in the allocation of funds, if coastal management is to succeed in Connecticut. Federal approval will also open up new sources of funds to the state and coastal municipalities. For example, the Campfro program currently administers about $100,000 of urban planning grants in their federal coastal management special project funds. These grants are being used by several of Connecticut's urban port areas for projects such as development of a port and harbor plan, development of an economic development plan, planning for a small historic seaport, investigation of the feasibility of a major fisheries facility, and the development of a urban waterfront park acquisition plan. These projects effect the towns of Stamford, New Haven, Norwalk, and New London.

In addition to these special project grant funds, the Federal Office of Coastal Zone Management has through a series of federal interagencies agreements, provided states with approved coastal management programs. Economic development grants for coastal related development and special acquisition funds for acquisition of marine sanctuaries and establishment of municipal parks on waterfront facilities, particularly in urban areas. I believe that under a federally approved coastal management program Connecticut's municipalities could both qualify for and utilize some of these grant funds. In conclusion of my testimony, I

COMR. PAC (Continued): would like to urge passage of House Bill 7878. As you know, our eligibility for federal planning funds expires this year. If we are to have an approved coastal management program and receive continued federal funding, passage of this bill is essential. I am convinced of the hard work of many coastal legislators, the Environment Committee as a whole, with input from the advisory board and the public, you have achieved in House Bill 7878, a balanced and workable program. You are to be congratulated and I urge you to report it out of committee without amendments.

I have brought Art Rock with me, he is the Manager of the Coastal Management Program. If there are any questions, I'd love to try and answer them. Ah, but before we go into that I'd just like to make some comments in regard to the funding. We will have $125,000 to the 36 communities to start up their programs and the minimum alloted to any town would be $2,500. Additionally, there will be $300,000 available on the 30% formula that would give them the funds necessary to carry on a site review program. An additional $200,000 will be available for the adoption of plans of development, or revisions of their zonings ordinances or historic district ordinances or combination of all plans that come up and may currently exist in the communities.

REP. ANDERSON: Are there any questions from the Committee? Senator Skowronski.

SEN. SKOWRONSKI: Thank you. Stan, two questions. One was, how does this proposed legislation simplify the permit process?

COMR. PAC: It simplifies it in a respect that, for instance, under a present permitting process of the structures, the wetlands programs, there is no provision for the municipalities as such, to be a party to the process. Now they could be a party to it. What inevitably happens is the communities try to get involved, there is a delay in the process as it is worked out. This would permit them to be a party to it, so it would help out in that respect.

Secondly, it would have the state participate at the local level at the point where the hearings are held on the plan of development that is applied for. We can sit in and at that point in time, we can also appeal that particular decision. However, you are aware of the constraints that placed if we do appeal the decision to a higher court, if we lose we have to pay the costs of that appeal, the cost that are inflicted on a town. That is a good provision. It does not work vice versa where the

COMR. PAC (Continued): town may appeal our decision, they are not bound to offset the costs that are incurred. Additionally, as the program develops, we may work out some kind of a process where we can have hearings on the same issue involve perhaps several permits that involved can be covered in one hearing. This will have to be worked out - that is the goal that we will strive for.

SEN. SKOWRONSKI: So the permit process -- one permit may be the Title Wetlands permit that you're referring to --

COMR. PAC: That's correct. The dredging permit maybe required. You may have a structures permit involved and if we can combine all the hearings into one permit hearing, now you'd have a simplification.

SEN. SKOWRONSKI: One other question. Maybe it's to you or maybe Art Rock should address himself to this. Someone raised the point that there was a possibility that this legislation would weaken the regulation now imposed on shoreline development by the Title Wetlands Act. Can you comment on that?

COMR. PAC: As I read the bill, it will not do that. There are certain constraints put into place by the bill, criteria that would guide the development of area, criteria in standards that would work against any type of development that would have adverse effects. In other words, we've got a good measure -- a good guideline to go by that we have not had in the past. So the effect would be that would conserve the areas that we're talking about. Conserve and preserve. And by working together with the communities, obviously a cooperative effort would evolve whereby the goal would be to see that the kind of development that takes place, is the type that would be in harmony with the surroundings. A type of development that requires access to the shoreline and against development that could be located in other areas. So I think it's more by feel than is what is actually said in the law that we think the result would be that there would be greater preservation and use of the areas involved.

SEN. SKOWRONSKI: Thank you.

REP. ANDERSON: Are there any other questions from the Committee? None, thank you very much Commissioner. The next speaker is Hugh Manke, followed by Harry Siebert from TO -- DOT. I would like to introduce the members of the Committee that are here this afternoon. To my extreme right and your left, is Representative Ray Joyce -- from what District is that Ray?

REP. JOYCE: 25th

REP. ANDERSON: From the 25th District. Next to him is Representative Al Ahearn, from the 55th District, and sitting next to me, on my right is Representative Rufus Allyn from the 43rd District. To my left and to your right, is Representative Julie Belaga from Westport, next is Representative is John Mordasky from the 52nd, and sitting next to him is the Senate Co-Chairman Senator James Skowronski from the 17th District, and sitting next to me on my left is Senator Fred Knous, from the 33rd District, who is the Subcommittee Chairman on CAM and he really did a great job this year. Hugh.

MR. MANKE: Thank you Mr. Chairman. Good afternoon, I'm testifying
Belt in support of the concept of the coastal zone management as
#2 contained in Ray's Committee Bill 7878.

There are however, a few portions of the bill that the Department of Transportation feels requires change or modification. These are for the most part, relatively minor changes that we're calling for.

First of all, with regards to Policy C on Page 8, let me see that's General Policy Section C, Subsection 1D, Line 306. It appears to us that it will be far better to refer to existing water depth, that instead of water depth, wording should be changed to authorized depths. And that is something that Harry Siebert I think could amplify a little bit later.

The second point has to do with Page 8 again. F --

SEN. KNOUS: Excuse me, could you repeat that last one again? What line are you talking about?

MR. MANKE: I'm sorry, that's 306, that's Subsection D, that existing water depth, should be changed to authorized depth. Again, on Page 8, in the Subsections F, G and H, Lines 316 to 336, the policies stated in F, G and H, really are dealing with specified transportation activities and it's our feeling that ports and harbors should be included. At the present time they are excluded. Also, it's our feeling that Subsection H is unacceptable the way it now reads. It reads - disallows the construction of major new airports and to discourage the substantial expansion of existing airports with the coastal boundary. We feel that that's far too limiting a statement to make in this kind of legislation. And that in lieu of the current content of G -- F, G, and H, we recommend the following language: To require that coastal

MR. MANKE (Continued): transportation facilities be designed and constructed so as to minimize as adverse impacts on coastal resources. And to require that full consideration be given to mass transit alternatives and where possible, enhance but not decrease coastal access.

The third comment deals with Page 13, Line 503 to 508. This is all part of the definition of national interests and Subsection H refers to modal transportation activity of various kinds and excludes air. And it's our feeling that air should be included in that. Also, it is our feeling that the definition of interstate rail, highway, and waterborn transportation systems, is a little bit unclear. And in particular, it's the belief of the Department of Transportation, that there should be included in there state roads and railroads.

The fourth comment is with regards to Page 27, Section 11 and this is a matter of great importance to the Department of Transportation. We would like to see added to Line 1032, the following: For projects and activities in the coastal zone which are prepared by the State, the Commissioner shall make the site plan review with the advice of the appropriate municipal agencies. This provision would be very similar to the present review process for state agencies to obtain inland wetland permits.

The fifth point, is with regards to Sections 11, 12 and 14. There is reference to the word activity. But then it's a very important word, but there is no definition in Section 3 for activity, and I think it's possible to read in the entire bill as a whole to determine what is meant by activity. But I think it would be a little bit better to deal with the problem up front and provide for the definition.

And that's the substance of my testimony.

SEN. KNOUS: Thank you very much. Are there any questions from the Committee members?

: Could we have copies sir?

MR. MANKE: I'll have copies made available, yes, tomorrow.

SEN. KNOUS: Okay. Thank you very much.

MR. MANKE: Thank you.

SEN. KNOUS: Harry Siebert? Mary Ann Dickinson?

ENVIRONMENT March 26, 1979

MS. DICKINSON: Members of the Committee, my name is Mary Ann Dickinson, and I am the Executive Director of the Connecticut Council on Environmental Quality. The CEQ is pleased to have the opportunity to once again to support coastal area management before the Environment Committee. We are delighted that the Committee is holding additional hearings along the coast and we trust that this final set of public hearings will be helpful toward the Committee's deliberations.

The CEQ strongly supports the passage of House Bill 7878. The CAM Subcommittee of the Environment Committee and the interim study committee before them have worked diligently and constructively to arrive at acceptable coastal area management legislation. The bill before you today, House Bill 7878, is indeed such a bill. We heartily congratulate the legislators, citizens and staff involved in the preparation of this important piece of legislation. The CEQ has review the bill and offers the following observations.

One, it is critical that this bill address the issue, and it does, of comprehensive coastal management. Not only is time and available funding running out on the CAM program itself, but the assault on our coastal resources continues without a present framework for comprehensive planning. Unless our local shoreline communities are given the necessary tools, peacemeal development will occur with regard to the need for preservation of unique coastal resources.

Two, golden policies have been spelled out in this bill. The justifiable concern to legislators in the 1978 General Assembly was the lack of specificity. Legislators were interested in seeing the detailed goals and policies that would guide coastal decisions. By including these guiding policies in the bill itself, the real meaning of the legislation is in full public view and in addition, federal approvability is virtually assured.

Number three, coastal management will be developed and implemented at the local level. House Bill 7878 clearly removes all doubt that local communities might lose autonomy. The tools for coastal management will be placed at the local level where CEQ believes they belong. Decisions will be made by the local Planning & Zoning Commission after careful coastal site plan reviews. Preparation of a municipal coastal program, or plan of development is entirely optional in this bill, although the Committee may want to consider the benefits of making it mandatory.

Number four, no new permanent authority will be established under the coastal area management. In fact, House Bill 7878, would be to a coordination of regulatory programs at the state and local

MS. DICKINSON (Continued): levels, including simplified application procedures and joint hearings.

And finally, if municipal coastal programs are indeed made mandatory in this bill, if the Committee is considering that as an option, then perhaps they should also consider a means for the resolution of conflicts which may then arise between municipalities or between a municipality and the DEP. Consideration should perhaps be given to establishing a carefully constituted statewide coastal review council, charged with resolving such conflicts. Disputes between municipalities might be expected due to the dynamic nature of coastal sediments and currents. A coastal review council could answer such a need. If however, the Committee decides to retain the voluntary nature of the municipal coastal programs, as outlined in the present bill, then such a council in our view, would not be necessary.

Again, congratulations on a job well done and thank you for giving us the opportunity to comment.

SEN. KNOUS: Thank you very much. Are there any questions from the Committee? Thank you. Harry Siebert, did you still want to pass Mr. Siebert? do you want to pass? Thank you. All right, the Chair would remind the speakers to please state your name and address for the record. Our first speaker will be Marcus, looks like McCrevelli? I'm sure I did injustice to the name.

MR. McCRAVEN: Doesn't look like a very good signature anyway. Mr. Chairman, members of the Committee, my name is Marcus R. McCraven.

SEN. KNOUS: I did do injustice.

MR. McCRAVEN: I reside at 565 Razoe Terrace in Hamden, Connecticut. I'm a Vice President of United Illuminating Company and my responsibility is environmental engineering. The United Illuminating Company, a Connecticut corporation with executive offices at 80 Temple, New Haven, Connecticut, is an operating public utility company engaged principally in the production, distribution and sale of electricity for residential, commercial and industrial purposes in the southwestern part of Connecticut. The population of U.I.'s service area is approximately 741,000, or 23% of the population of the State. The service area includes 17 cities and towns of which 10, the principal cities of Bridgeport, and New Haven, and 8 surrounding cities and towns, have been classified as Connecticut coastal towns. That is towns running

MR. McCRAVEN (Continued): on Long Island Sound or major river estuaries. Of primary concern to U.I. is to have the ability to fulfill our statuatory responsibility of providing an adequate, reliable source of electric energy at the lowest rate possible. Much of this concern has centered on the number of agencies that are required to approve siting and construction applications and the length of time required to obtain the required permits for siting and construction of the necessary facilities. Facilities which provide a service to more than one municipality.

We are very concerned that the coastal zone management program may have the effect of exacerbating the siting and construction problems we face today, by the addition of another agency with responsibilties that overlap those of existing agencies, which have the responsibility of planning for future energy needs. This will make it more difficult, if not impossible, to site and construct facilities. If it is the intent of this statute to insure that the state and coastal municipalities provide adequate planning for facilities and resources, which are in the national interests, and that this is accomplished in a most efficient and beneficial way, it is U.I.'s recommendation that the state coastal management program, if enacted, be coordinated with and complementary to other state regulatory agencies and not duplicate them.

What is needed is an express interface of this statute with Title 16 of the General Statutes, so that the legislators intent is clear. United Illuminating Company would suggest adding to Section 7A of the draft legislation, this proviso - provided, however, that no authority granted to any municipality hereby or to any municipal body exercising legal authority

MR. MC CRAVEN (Continued) provided, however, that no authority granted to any municipality hereby or to any municipal body exercising legal authority for the regulatory decisions listed in Section 11(b) of this act shall be construed to apply to the operations, plant, building, structures or equipment of any public service company to the extent that they are under the jurisdiction of the division of public utility control within the Department of Business Regulation or the power facility Evaluation Council pursuant to Title XVL of the General Statutes.

Belt 3

One of the most fundamental purposes for which the act was created is to resolve use conflicts in the coastal zone. One of the most important conflicts which must be resolved by coastal zone management plans involves the adequate consideration of facilities which are of national or regional interest. United Illuminating recommends that recognition be given to this purpose in the policy section, which is Section 2, and definitions, Section 3.

On Page 7, Line 253, before what is now Section 8, we'd insert, "To coordinate uses in and around water-dependent energy facility sites to avoid future use conflicts and to maximize the value of this resource for energy as well as for other water-dependent uses."

On Page 12 at the end of Line 447 add the definition - water-dependent energy facility site. Water-dependent energy facility site means an existing or designated site of an energy facility serving state-wide and inter-state markets including electric generating facilities and facilities for storage.

We appreciate this opportunity to bring our concerns to the committee and urge you to adopt this recommendation so as to assure that the State Coastal Zone Management Program, if enacted, will be coordinated with complementary to other state regulatory agencies and not overlap or duplicate them. Thank you.

SEN. KNOUS: Thank you. Any questions from the committee?

REP. BELAGA: Yes. May I ask a question?

SEN. KNOUS: Certainly, go ahead, Julie.

REP. BELAGA: Representative Belaga, 136th District. Mr. McCraven, your testimont implies that there will be a new agency in place that might, indeed, conflict with other states agencies, but this bill does not put any new agency in place. The entire

REP. BELAGA (Continued): program would be under the Department of Environmental Protection in their CAM operation which is currently existing so that there is no new agency that would, indeed, conflict with any other agency now existing.

MR. MC CRAVEN: This is what we think we understand by the act, but if you feel the act still says that there will be another approval required and that approval, as far as utilities is concerned, will be approvals from different municipalities. There are a number of things now that a utility does not have to go before and get approval from a municipality to construct. That is because we're going from putting in facilities that effect more than one town. We may be putting in substations that are supplying energy to one town that's located in another town. You may be putting in a distribution line or -- from any facility. So with this -- the way this reads and we aren't sure, but we feel that it could be made -- certainly be made much clearer with that proviso in it. The way it reads now, it -- there is some doubt as to whether or not we will now require permits, siting permits and construction permits that are new to us.

REP. BELAGA: Do you not have to get some kind of permit when you site a building at some point?

MR. MC CRAVEN: No zoning.

REP. BELAGA: Well, that's what this comes through, the exact process. The same planning and zoning process. The site plan review process.

MR. MC CRAVEN: Any addition to Section 7 which we have suggested here will just clarify that because if you will listen to that again, the proviso says, "provided, however, that no authority granted to any municipality hereby or to any municipal body exercising legal authority for the regulatory decisions listed in Section 11(b) of this act shall be construed to apply to the operations, plant, building, structures or equipment of any public service company to the extent that they are under the jurisdiction of the division of public utility control within the Department of Business Regulation."

So what we are saying here we don't want -- would not like to see a change because any change as we can see will stretch out the permiting time and as you know now, the facilities -- it takes as much as eight to twelve years.

SEN. KNOUS: Thank you very much.

REP. ANDERSON: One other thing, Mr. McCraven, I didn't see you

REP. ANDERSON (Continued): since last summer, but I would like to thank you in behalf of the Oil Spill Task Force for the visit that we had in July and I did want to publicly tell you that UI has the best terminal as far as collection goes for oil spills in the State of Connecticut. I think you do a great job down there.

MR. MC CRAVEN: Thank you very much. We enjoyed having you there. The invitation is open for anyother legislators who would like to come by and take a look. We will set up a tour.

SEN. KNOUS: Thank you. John Hibbard.

MR. HIBBARD: Mr. Chairman, members of the committee. My name is John E. Hibbard. I reside at 1072 Gilliard Street, Hebron, Connecticut and I'm employed as Secretary and Forester of the Connecticut Forest and Park Association and am speaking on its behalf.

I would like to register in support of Raised Committee Bill 7878. I served on the Coastal Area Management Advisory Board since its inception which goes back a number of years and also had previously served on the Long Island Sound study Citizens Advisory Committee. And I think there have been numerous efforts in the past several years to develop a reasonable program to protect the coastal resources of the state. And as a member of the Advisory Board, I wish to assure the committee that the CAM staff of DEP has worked long and hard by themselves and in cooperation with the Advisory Board and in consultation with the Interim Company on coastal area management as well as the CAM subcommittee of the Environment Committee in drafting this proposal.

And I wish to assure the committee that the proposal has the endorsement and support of the officers and directors of the Forest and Park Association who endorsed the proposal at a meeting of the board held in Wethersfield on March 1st of this year. And I think the proposal before you is most reasonable and that it does provide the traditional Connecticut balance of keeping the action at the municipal level and it does provide the safeguards and attributes to the environment that we're all looking for and hopefully we can begin to protect coastal resources at an early date. I appreciate the opportunity to speak to you today.

SEN. KNOUS: Thank you, Mr. Hibbard. Are there any questions? Albert Provenzano.

MR. PROVENZANO: Mr. Chairman and members of the committee. My

MR. PROVENZANO (Continued): name is Al Provenzano. I'm a resident of Stratford, Connecticut and one of the coastal towns that would be effected by implementation of this proposed act.

Incidentally, I'm presently a member of the Planning and Zoning Commission and I am speaking solely as an individual member, not in behalf of the commission.

I'm really greatly concerned about the act. It's a very long one, very complicated. I know very well that these bills are written by some people who are far removed from the legislature in many cases and unless you've written -- excuse me, unless you have read this act very carefully, I dare say that it will change the status of the individual property owner and it will certainly change the status of the autonomy of the towns.

The first fifteen pages of the act are dedicated to definition and intent which intrigued me because rarely is a bill so defined and so dedicated to definition and intent. The other thing that concerned me was the coastal boundary which was a mandatory situation. The towns must define a coastal boundary which a thousand feet, more or less, depending on the tide, of the town.

Then we're sold the opposition that it is a voluntary one. I dare say that in the legislature, at least my experience has taught me that there is no such animal. We in the Town of Stratford, at least my recollection of the many years I've spent there, want or enjoy municipal autonomy and this bill goes far to destroy that. In fact, with the changing of a few words, it will become a mandatory proposal - a few words. The mays that become the shalls in the future and that isn't hard to do if you have any experience in this legislature.

May I say to you that there is a method in which this bill can be changed from a voluntary one to a mandatory one and it's called progressive gradualism. I have seen it. I have seen it at work and if any of you have spent any years here, you will know that the same has existed. It changes words in a slow fashion. Of course, there was great opposition to this bill several years ago. Great opposition in my town, at least, and I'm sure great opposition along many of the other coastal area towns because it wasn't as voluntary a plan as this and so the next were brought back, if I may use that term, and this proposal was inserted and I dare say that what will happen in the future is that slowly, very slowly this bill will be transformed to what the state wants. We don't need any more state interference in our towns by far.

MR. PROVENZANO (Continued): We have enough regulatory agencies to regulate the coastal line now. We have enough protection. There isn't one thing one property owner can do along the coastline now without getting a permit and approval from the DEP. Then why and why is this necessary unless the state wants to get into a further act of not only approving permits, but also supplying policy -- policy which is certainly reserved for the municipality. We don't need state policy regulated from the state. We can do that ourselves.

Belt 4 I'm fearful that this is not the way to do it. We have enough protection and we don't need another one. May I say to you there are two other points that I want to hit on and that is, of course, my objection to state employees coming before you to speak in support of a bill that they're going to have an interest in. After all, I come here on my own time, at my own expense and in most cases they come here on our time and at our expense. I don't think they should be here supporting legislation that will directly improve their position as state employees. And I am not referring to the Commissioner because that has been an accepted practice, but I am referring, however, to state employees in different positions.

The other thing I would suggest to you, ladies and gentlemen, is this. That before you embark on a proposal to expand the powers of the DEP to policy-making, before you do that, I would suggest that you go over all of the legislation that we have passed in the last twenty years. May I suggest to you that we do not know and you, as well, do not know the effect and the result of that legislation that has been passed in the last twenty years. We should go over -- in fact, I would suggest to you that a session should be set aside solely and merely for the purpose of going over legislation that we have passed so that we can analyze what we have done in the past twenty years, what the economic costs of those bills that have been passed are to the state and what the effects are to the state. I might say that some of those bills are not necessary any longer.

With that I want to remind you about that method and maybe you may keep that in mind because I saw it work during my tenure in this legislature and it's called progressive gradualism. Thank you.

SEN. KNOUS: Senator Skowronski. I just did have one comment, Mr. Provenzano, in reference to the last -- your last comments about -- it sounded as though you were referring to a sunset procedure and I might point out that I think we might have

SEN. KNOUS (Continued): the machinery to accomplish that and I agree with you that as far as legislation and/or bills, that that procedure is one of considerable merit and I just might point out I think we do have the machinery to maybe accomplish that end. Senator Skowronski.

SEN. SKOWRONSKI: Thank you. Yes, Mr. Provenzano, are you speaking on behalf of yourself or are you speaking on behalf of the municipal authorities of the City of Stratord?

MR. PROVENZANO: I made it very clear that I was speaking as an elected individual member of that planning commission. Okay?

SEN. SKOWRONSKI: Thank you very much.

REP. BELAGA: Senator, may I?

SEN. KNOUS: Yes, Representative Belaga.

REP. BELAGA: Representative Belaga, 136th District. I think for clarification, Mr. Provenzano, it ought to be made very clear that there are two parts to this bill, one of them is indeed voluntary and that is to allow local municipalities, if they wish, to redo their town plan of development and to redo their zoning code. That is clearly optional. What is mandatory in this bill is to site plan review process for applications on the coastline and I think they are two very separate things and it maybe confusing because it is a long bill, but for those of you who are here, keep the two separate. I think that one is indeed voluntary, the other is mandatory.

MR. PROVENZANO: May I respond?

SEN. KNOUS: Certainly.

MR. PROVENZANO: Very briefly. I recognize and I said that the boundary -- the setting of the boundary was a mandatory one. Excuse me. I'm just getting used to using these things. However, on Page 17, Subsection F, a municipal coastline boundary may be adopted by the municipal planning commission of each coastal municipality and what I tried to say to you, that is, if this is passed in such a manner that in two years from now or four years from now you might find the "may" in italics such as this. You're familiar with that -- and inserted the word "shall" and that simple word then makes it mandatory. Does't it?

REP. BELAGA: Yes, but that boundary is already going to be mandatory. What it says in this particular facet of it is that the local municipality may handle that line in such

REP. BELAGA (Continued): a way that it acknowledges coastal geographic -- what's the word I want? Boundary lines and rock walls, etc., and roads, as long as it doesn't make the boundary any smaller, so, I mean, I think that's an unfortunate choice that you picked because it simply refers to the municipalities handling a problem when they deal with a boundary line that might go right through a road and it would obviously be more appropriate for them and for the property owner to know where that boundary is going to go.

MR. PROVENZANO: Mr. Chairman.

SEN. KNOUS: Yes, go ahead.

MR. PROVENZANO: May I respond? May I ask a question? What and why the purpose of a boundary?

REP. BELAGA: So that the land owner knows whether he is indeed in that area or not in the area.

MR. PROVENZANO: Oh, I know that. But why -- for what purpose? Why do we want a boundary? For what purpose? Other than to regulate.

REP. BELAGA: Oh, there's no question that this is regulating. It's just to let the property owner know who's in it and who's not in it.

MR. PROVENZANO: Oh, of course. I realize that. I want the people to know that and my people in my town know that and that's what we object to. We don't want to be regulated anymore, not by the town and certainly not by the state because I point out to you that this will regulate the town by the planning commission as long as this word remains as "may." Excuse me, we may be part of it, but we shall be part of it and if it's amended any further, the planning commission of the town will be removed and the DEP will be inserted and then we will no longer be an autonomy. It will come strictly from the state. Is that not correct if that happens?

REP. BELAGA: I really would not be able to answer that question. I think it's rather....

MR. PROVENZANO: Well, it's a fair question.

SEN. KNOUS: It's a matter of speculation.

MR. PROVENZANO: I'm not here to protest, Ma'am. I'm here to enlighten you. I've been here for ten years. Thank you.

SEN. KNOUS: Your concern over the erosion process is noted.

MR. PROVENZANO: Thank you very much.

SEN. KNOUS: The next speaker is Joan Parsarella. That might not be an "S" in there, Joan. I don't know.

MS. PARRELLA: It isn't an "S" -- it's two "R's." It's Parrella.

SEN. KNOUS: Okay.

MS. PARRELLA: My name is Joan Parrella. I live at 626 Riverdale Drive in Stratford. I'm a taxpayer and I decided that I'd like to come up here and protest against -- to protest the Coastal Area Management Act.

I am, as I said, a resident and a taxpayer of one of the towns whose coastline is about to be confiscated and managed for the good of the citizens of that town, namely, Stratford, Connecticut, as well as thirty-five other towns on Connecticut's coast.

Because the bureaucratic minds and the planners of Metropolitan Regional World Government and the Council on Foreign Relations United Nations have decided for us that we as citizens of a sovreign state in a sovreign nation governed by the constitution of the United States are no longer entitled to run our own lives, care for our own private property or handle our own local town affairs. The writers of the bill are advocates of governmental planning and have visions of a new kind of America. They are working desperately to transform our union of sovreign state into a regionally planned monolithically unified nation divided into a score of metropolitan areas which fall across state boundary lines. Each area will be ruled at the local level by only one governmental authority, a metropolitan government.

Existing governments - city, county and state, will eventually be abolished. Initially, each metropolitan authority will levy taxes directly on local citizens, but when the whole nation has been organized into metropolitan areas, taxation can be made uniform along with other functions of government and local opposition to taxes eliminated by abolishing local taxes. All taxes can then be levied from Washington by the central government.

In most cases existing city and county governments must be abolished before all can be consolidated into metropolitan government. Counties and cities are created under state authority. But, gentlemen, before they can be abolished, the state must give permission. This can be done on a selective

MS. PARRELLA (Continued): basis, but that would require lobbying and controversy. The creation of metro government -- for the creation of metro government a quicker way is for the state legislature to enact a home rule law generally authorizing cities and counties to change their form of government without reference to the state legislature.

Home rule sounds good to those who believe in keeping governmental authority close to home, but home rule does not bring government by elected home folks. It brings government by appointed experts over whom local voters and taxpayers have little control.

Regional metropolitan government enter into the sovreign State of Connecticut via Article 10, Section 2 of Connecticut State Constitution. For those of you who haven't maybe read the State Constitution in a little while, I'd like to make reference to that. This is Section 2, Article 10. The General Assembly may prescribe the method by which towns, cities and boroughs may establish regional governments and the methods by which towns, cities and boroughs and regional governments may entire into compacts. The General Assembly shall prescribe the powers, organization, form and methods of dissolution of any government to establish.

Alright. The Constitutional change was made in 1965. It was to that change that the reorganization of state government took place in the State of Connecticut. Connecticut -- these gentlemen would like to have us believe the people who are proposing coastal area management that Connecticut is the only state involved in this type of a battle. Connecticut is not the only state involved in the nation. The nation as a whole became the victim of two federal laws. The United Nations Blue Model City Law, Public Law 89-754, and the region-making Intergovernmental Cooperation Act of 1966, Public Law 90577. These two laws are so important to the , even presidents aided them. I refer to President Nixon's Executive Order 11647 which appeared in the Federal Register of February 12, 1972. Of course, there was virtually no comment in the nation's press on this action.

The Coastal Area Management Act, being a part of regional international government, is in flagrant violation of the United States Constitution which is the law of the land and I refer you to Article 4, Section 4 of the United States Constitution which says, "The United States shall guarantee to every state in this union a republican form of government and shall protect each of them against invasion and upon application of the legislature or the executive when the

MS. PARRELLA (Continued): legislature cannot be convened against domestic violence." The fact that our soverignty is in jeopardy is outrageous. But to use tax money to pay for the collectivization of our state and country is to say, gentlemen, what Harry Hopkins said some time ago. "Tax and tax, spend and spend. The people are too dumb to know the difference."

Well, gentlemen, Americans are smarter than you think. We do not want the Coastal Area Management Act, nor do we need it. Connecticut survived without CAM and the United Nations

MS. PARRELLA (Continued): We do not want the Coastal Area
Belt #5 Management Act nor do we need it. Connecticut survived without CAM and the United Nations for 300 years and will continue to do so as a sovereign and independent state of the United States of America.

I would also like to introduce into testimony a Congressional Record dated August 6, 1971. It was introduced by a Democrat from the State of Louisiana named The Honorable John R. Rarick and will substantiate every fact I have here stated. Thank you.

SEN. KNOUS: Thank you for your testimony. Any questions? The next speaker is Arliss Sutherland.

MS. SUTHERLAND: I am Arliss Sutherland, resident and taxpayer of Milford and I am opposed to Bill No. 7878. Supposedly we are here to present testimony concerning the advisability of passing a revised Coastal Area Management Bill. Since alert citizens last year objected to the usurpation of control over every aspect of living, we have been told that the Bill has been rewritten and is much better than the other.

The Coastal Area Management is Coastal Area Management. Therefore, this seems to be another example of putting the foot in the door. The more different it becomes the more it is the same. Since this Bill in essence and in part is the same Bill, my testimony will have to be for the most part the same as I presented last year. It will be as different as the Proposed Bill is from that of last year. Under this Bill regional government, a new form of government which has been covertly engineered to replace the city, county, state and school district system would be established. This would give the Federal Environmentalists control of every foot of real estate along the shore of southern Connecticut, the air above it, the waters adjoining it, and everything that there is or dwells therein.

I know this Bill has been modified to include only that property within the limits of the flood tide. But last year's Bill which included all property within the limits of tidal waters shows the intent. And am I to be satisfied and feel secure because my property is not now included within the coastal boundary? The idea of regional government is not new, but has been in the planning of those who seek power for many years. Approximately 50 years ago

MS. SUTHERLAND (Continued): with Rockefeller money, there was established a Public Administration Clearing House at 1313 East 60th Street, Chicago. Ever since, plans for regionalizing the United States to conform with the world plan of regionalization have been eminating.

In 1969 regional government was officially authorized by President Nixon's Executive Order 11490. By this order, ten metro regions and capitols with headquarters at 1313 East 60th Street, Chicago, were created in the United States to replace the existing states, and by Executive Order 11647 of February 12, 1972, an Executive Order 11731 of July 25, 1973, each of the ten federal regions would have a governing regional council. In Florida with the passage of the Florida State Planning Act of 1972 and the Florida Environmental Land & Management Act of 1972, National legislation and the Executive Orders heretofor mentioned, regional government was established.

In 1972 a group of environmental masterminds met in Stockholm under the aegis of the United Nations to draw plans for worldwide environment control, and in 1972 the National Cultural Management Act was passed. This was designed to induce States to pre-empt local land use control to apply Federal standards. I refer you to pages 12 and 13 of this Proposed Bill.

To summarize in the words of Don Bell, a total management is the perfect behind regional government. Management of you and yours, of the community, the State, the Nation, and eventually of the world. Therefore, I am opposed to Bill No. 7878.

SEN. KNOUS: Thank you for your testimony. Are there any questions from the Committee? Betty Blaze.

MRS. BLAZE: Good afternoon, ladies and gentlemen. I was the Republican candidate in Bridgeport for the State Senate in the 23rd District and I ran as an opponent to the Coastal Management Act. Of the many thousands of people who voted for me, I am here representing them.

My name is Mrs. Bette Blaze. I live in Bridgeport. Coastal Area Management such as that proposed today under the guise of progress for the coastal area of the State of Connecticut is the same old regionalism based on geographic and community denominator. No matter how you disguise the Bill, it is a control system designed to

MRS. BLAZE (Continued): provide total control of the 36 municipalities fronting Long Island Sound, probably 10% of the entire Connecticut coastline. It is a plan to secure control over all things and all persons at every social and governmental level. CAM would like to have us believe that only Connecticut's coast and municipalities are involved when, in fact, the whole Eastern seaboard, as well as the west coast will be enmeshed into their dreams of regional international government for the United States and the world.

According to a recent study by Constantine Dokset on acoustics and ecology, the Eastern seaboard is the most densely populated and most industrialized and its people are the best educated and have the highest standard of living of any part of the world. So we must be retulated and managed, not governed. The Coastal Area Management Act must conform to the National Coastal Act Area Management Act and both must conform to the international goal set by the United Nations study.

The whole concept of regional government, better known as government by appointee rather than by representative government, is foreign to the concept of limited government set down by the founding fathers in the United States Constitution. I therefore say to you, you are wasting our tax money, time, and usurping our Constitution under the guise of progress. The citizens of our State and Nation should and will call for a Congressional investigation into this gigantic web known as regional government, and I would like to enter into the testimony the Don Bell report, such as this, Contrived Evolution of Regional Government and it goes quite in depth about it. Also, I was reading this and you know, in California there was a Proposition 13. Nation's Business -- my husband gets this book -- and there are over a 1,170,000 people that subscribe to this book, and it is a regulatory vote next, and it does go into the Coastal Management Act as a regulatory agency. I would like to leave it for you gentlemen to read.

And also there is an article that I came upon from Massachusetts, Takeover Regionalism, the New Form of Government. And you would be interested to know that there are 12 States already in the process of putting this nightmare to rest. I would hope Connecticut would have the courage to do so also. We do not want to be managed. We want to be governed. Thank you.

SEN. KNOUS: Thank you for your testimony. You're leaving the magazine behind I believe?

MRS. BLAZE: Yes.

SEN. KNOUS: Thank you. Any questions from the Committee?

REP. ANDERSON: Just one thing, I would like to remind you that when Mr. Jarvis was in the State last week he said we'd have to institute an income tax in order to put through a Proposition 13. Think about it. (Laughter)

SEN. KNOUS: Thank you, Representative Anderson. Joseph Moyle.

MR. MOYLE: Since this is an official appearance I better wear my official lobbying badge. Mr. Chairman, members of the Committee, my name is Joseph Moyle. I am Intergovernmental Relations Officer with the Connecticut Conference of Municipalities. I'm here today to say that the Connecticut Conference of Municipalities supports a Federally acceptable CAM Bill of the type that we find in Bill 7878.

Now those of you who were here last year remember that last year we were unable to support the Bill then proposed, and that in fact we proposed and there was accepted and voted in an amendment to the Bill which required consultation with all the Chief Executives of the coastal towns would be effected. This was done and as a result -- I'm not going to claim it's the sole result -- but one of the results is that we have a much greatly improved bill which CCM can this year support.

In particular, we're pleased to see the provision that the -- on lines 1356 to 60 which requires that if the DEP takes towns to court, the DEP loses, DEP pays and this we find is an attractive provision. We believe that Coastal Area Management is a desirable program, one that has long been needed, and which will provide a coordinated approach for the preservation of Connecticut's ever-scarcer coastal resources. Thank you.

SEN. KNOUS: Thank you very much. Are there any questions from the Committee? Charlene Bergstrom.

MS. BERGSTROM: I'm Charlene Bergstrom, Executive Officer and Lobbyist for the Connecticut Marine Trades Association.

We strongly support this Bill for many reasons. There are

MS. BERGSTROM (Continued): more demands for the shoreline than can be reasonably dealt with. In addition to water-related uses, there are those that want to set up housing developments, oil depots, warehouses, condominiums, industrial plants -- all manner of things that do not need the coastline for their existence.

Also, we feel Federal approval of Connecticut's Bill will bring along with it the funds necessary to allow each municipality involved to study its problems and come up with its own solutions, within the guidelines that fit in best with its own overall town plan of development. It allows each municipality to guide the course of development along its own shoreline.

It allows shoreline municipalities to satisfy local needs without unacceptable sacrifice of regional, state or national needs.

We, in the marine trades, especially appreciate the direction in this Bill that water dependent facilities, whether commercial, industrial or recreational, be given priority treatment at all levels of government.

We feel that this provision is vital to our survival as an industry and to the families and individuals we serve who love the water and boating. A recent survey, conducted by CMTA revealed that at least 31 boatyards have gone out of
Belt #6 business in the last five years, and that another 11 are expected to close their doors in the next year. A 1977 CAM study itemized only 250 such private, public and municipal facilities in the State, so you can readily see the large percentage of closings that are threatening our industry's very existence. A further bleak note to this trend is that the Department of Environmental Protection advised one of our members that no permits for new marinas have been issued in the last two years.

We support the initiation of long range dredging programs in cooperation with the Federal Government. The critical problems of dredging navigational channels and the disposal of dredged material must be addressed immediately if the Long Island Sound and Connecticut's interests are not to suffer irreversible damage.

This Bill rightfully recognizes the importance of recreational fishing and would promote fishing access and stock management programs.

MS. BERGSTROM (Continued): We strongly support the protection that this Bill provides to vital marine and coastal habitat and sensitive natural features such as wetlands. We believe that such protection is essential to the maintenance of recreational opportunities and to those of us who service the recreational public. We only ask that environmental protection be undertaken in a fair, reasonable and consistent manner, and this Bill would contribute towards that goal.

This Bill addresses another problem of great concern to us. That is the uncoordinated and often contradictory permit procedures presently in usage at all levels of government, which has made coastal developments of even the most minor sort almost impossible because of the time and expense involved. This Bill would direct local, state and federal regulations to a common set of goals and policies. This would protect all interest groups involved, while requiring us to meet only one criterion.

We do have some modifications we would like you to consider. In Section 2 (6) on page 3 of the Bill under Goals and Policies, the phrase "and to encourage recreational opportunities" is bracketed for proposed deletion. And the proposed addition to this section we feel should include local and private recreational facilities. It now refers to only State-owned recreational facilities, since these -- the local and private recreational facilities provide substantial recreational opportunities to the general public.

A U.S. Department of the Interior report, referred to in the 1975 Long Island Sound Study, sets the percentage of privately owned recreational facilities in the State, and the averages of all privately owned recreational areas are 48.8%, apparently of those in existence at that time. And then it was further broken down as privately-owned picnic grounds over 32%, beaches over 47%, campgrounds over 94%, boats over 54%.

We feel that this more than justifies our request that facilities other than State or Federal be included in this section.

On page 5, with reference to Section 2, I believe it's lines 182 in sequel, which states that boating uses and facilities should utilize ramps and dry storage, rather than slips. We suggest that the language be made more general, so that unique alternatives other than ramps and dry storage could be utilized without regulatory red tape or an amendment to

MS. BERGSTROM (Continued): this act. As to Section 3, subparagraph 14, paragraph I on page 13, line 506, this is the section which defines the facilities and resources which are in the national interest.

It now reads "provision of adequate state or federally owned marine related recreational facilities". We suggest that you delete "state or federally owned" so this subsection would read "provision of adequate marine related recreational facilities", since municipal, private and publicly owned facilities are just as important to the national interest, and it is not realistic for the state or federal government to own and maintain enough to make a significant impact.

In conclusion, we thank you for the time and commitment this Committee has given to this complex Bill. We appreciate the emotional and political pressures that are involved in your decision and we know that you will do what is best for the controllable future of Connecticut's shoreline. If you have any questions or additional information that CMTA could provide you with, we'd be very pleased to do so.

SEN. KNOUS: Thank you. Are there any questions from the Committee? I'd like to note that we've been joined since the start of the meeting by Representative Casey, Representative Emmons and McClusky. Our next speaker is Bill Swartzbaugh. Not here? Brian O'Meara. Mr. O'Meara is not here either. Elaine Cote.

MS. COTE: My name is Elaine Cote and I live in Portland, Connecticut. My family has been in the boating business for the past 30 years serving the needs of the boating public. Over the past several years there has been decline in the number of marinas and slips available to boaters. Many marinas have been sold to business activities that do not need waterfront locations -- office buildings, condominiums, restaurants, etc. This is one of the causes of the decline of marine slips.

The purpose of the Coastal Area Management Bill will limit waterfront property to uses that must have waterfront property. Boating is a family activity and the Coastal Area Management Bill should be passed so this type of family recreation can be continued. Thank you.

SEN. KNOUS: Thank you very much. Our next speaker is Paul Eno.

MR. ENO: Mr. Chairman, ladies and gentlemen of the Committee, my name is Paul Eno. I am with Napp and Pauls Marine Transport, formerly worked for Glastonbury Marina.

It has been very hard in the years as far as trying to run a marina and puts us in a very awkward position as far as having to try to sell it because of dredging programs. Things take so long and you just run out of money and forced to get into something else and if the other party cannot probably do as well, they're forced to sell the property for whatever could be done. I will not repeat all of what Charlene has said. I'm with Connecticut Marine Trade and I ask that the Committee look over Bill 7878. I'm sure water, parts, sports, everything has gone into it to the best of the interests of the people. Thank you.

SEN. KNOUS: Thank you very much. Brian Nadeau.

MR. NADEAU: Thank you. My name is Brian Nadeau. Currently manager and prospective buyer of South Gastonbury Marina. We found that in the last year and a-half to two years it's been almost impossible for us to get all our permits required by the State and the Towns to rebuild the South Glastonbury Marina. It's cost us somewhere in the vicinity of $16,000 just to get the permits and plans required for the operation. We are losing season after season because of the fact that the Towns and the State are slowing us down in our production and our rebuilding of the marina.

We feel that this Bill if passed as stands would much alleviate the problems and give new slipping facilities and public launching facilities to greater Hartford area and many other boaters who require and would like to have more facility on the Connecticut River, which is being very grossly unused at this point as a recreational facility. The waters of the Connecticut River are now usable for recreation, water skiing and some swimming in certain areas. I wouldn't suggest a steady diet of drinking it at this point, but for recreational facilities it's very much under used. Thank you.

SEN. SKOWRONSKI: Thank you very much. Even the salmon are finding it enjoyable once again. Bill Coope. Dave Bentley.

MR. BENTLEY: Mr. Chairman, ladies and gentlemen of the Committee, I'd like to speak out in support of the Coastal Area Management Bill. My name is David Bentley. I reside in Simsbury, Connecticut, and we operate a small retail sail-boat sale business and in the past five years we've been

MR. BENTLEY (Continued): searching for a marine facility along the Connecticut shore, a small one, and we found that there are a lot of problems associated with any type of marine facility. Skyrocketing costs have forced many of the small marine facilities to close down and sell out to developers as has been stated before. The restrictions and regulations on dredging and the repair and operating of docks are astronomical.

Now a marina operation is a business and the silt that is put there is washed down over the years from road sanding, all kinds of construction, and yet no other business is restricted from removing snow or putting sand down which eventually ends up in a marina. Why should a marina be restricted in this way? It is a business and there are a lot of people who want to use the marine facilities. The water belongs to everybody and the right to use that water belongs to everybody, in spite of people who are property owners along the shore and respecting their rights they do not own the water, and they should not be very adamant in restricting the use of that water to inland people.

I'd like to submit an article which I just received from the Marine Industry magazine of March 1979. Some of the articles in there I'd like to quote. From a national basis there were in 1978 there were 5,930 -- excuse me -- in 1972 there were 5,930 marine facilities for access to the water and doing service. In 1978 there were 6,000. While at the same time in 1973 there were 9,400,000 boats in operation, by the end of 1978 there are 11,300,000. You divide that up using four people per boat, which is a conservative amount, you'd end up with about 7,500 per marina. Rather crowded.

The people of Connecticut, New England, are interested and proud of their water heritage. This is evident by the millions who have visited the Marine Museums every year and yet our waterfront, boat building and marine access have degenerated to a sorry state, by the high cost and unmanageable regulations. The Coastal Area Management plan I believe will give assistance to everyone to water access and to get our coastline into a manageable operation.

Thank you for the opportunity.

SEN. KNOUS: Thank you very much for your testimony. Any questions? Barbara Deitrick.

MS. DEITRICK: I'm Barbara Deitrick of Old Lyme testifying for the League of Women Voters of Connecticut. We want to thank the Environment Committee and especially the members of the CAM subcommittee for their diligence and hard work in putting this proposal into a legislative package. We believe you have succeeded in reconciling the legitimate concerns of local jurisdictions with those of the federal guidelines for approval of a coastal management program.

We strongly support the speedy passage of this 1979 Coastal Management Act. At the same time, because we really want a very strong Bill, we have a couple of suggestions we'd like to offer.

In respect to site plan review, we feel the burden of proof should be on the applicant, that is the applicant should demonstrate that his site plan conforms to the goals and policies of the act. This of course would be in conformance with present practices under existing planning and zoning statutes.

We prefer that coastal programs be mandatory. This is in the belief that such programs would provide a means of coordinating management efforts among the towns.

We also think the DEP Commissioner should be given regulatory powers. We know this is viewed with considerable suspicion by the public, so you might want to limit it in some way to regulations based on

MS. DEITRICK (Continued): new information turned up in the course of research or to adjustments found necessary in the course of day to day experience in administering the law and proposed by a town. The need for improved management of our priceless coastal resources has long been recognized by a large segment of the public. So far the response to this is to embark on -- then to embark on another study. These not only consume tax dollars but perhaps most important, time, as we continue to lose acres of shoreline to unwise development.

In the past decade alone we've lost 10,000 acres. The least we can do in the coming decade is to insure the decision affecting development provide a wise balanced use of our unique and fragile coast. We urge the adoption of this proposal. We think it can do the job.

SEN. KNOUS: Thank you. Do you have some copies of --

: Yes, Representative McClusky has a question? The speaker --

REP. BELAGA: No, it's Belaga. Mrs. Dietrick in your first comment did you say that the burden of proof should be with the applicant? I think if you check Section 12C, you will see that it does indeed. That a person submitting a coastal site plan shall demonstrate that the adverse impacts are acceptable.

MS. DEITRICK: Then I missed that Julie, thank you.

SEN. KNOUS: Thank you Representative Belaga. Donna Parson.

MS. PARSON: My name is Donna Parson and I represent the Connecticut Chapter of the Sierra Club. The 1979 Coastal Area Management Act being proposed by the Environment Committee deserves to be raised by the Environment Committee and passed by this legislature. The Sierra Club supports this legislation because it will serve to protect our remaining resources along the coast, because it respects the sensitive role of local municipal planning and zoning agencies in carrying out of site plan review. It provides adequate funding and/or technical assistance so that the program will not be a burden on local towns, and last, but not least, it fulfills the necessary federal requirements for approval.

Our primary reason, of course, for supporting the bill, is it's implications for protecting our dwindling coastal resources. We believe that the site plan review, the volunteering municipal coastal program, the specific goals and policies and special

MS. PARSON (Continued): criteria and the technical and financial assistance to the towns, combine to provide a unique planning process to guide the future growth along the shoreline. Along with other environmental groups we have testified at many hearings and meetings about the need to protect our endangered coast. Protection of the coastal environment is our primary concern, however, we understand and support the need for strong local control and strong local involvement in the coastal area management program. We believe the proposed bill insures local control.

We congratulate the Environment Committee and the Coastal Area Management Subcommittee for being responsive to the concerns of Connecticut citizens and officials. And we strongly urge that the Committee raise House Bill 7878. Thank you.

SEN. KNOUS: Thank you very much. Are there any questions? Marlene Wenograd?

MS. WENOGRAD: I'm Marlene Wenograd of 23 Four Mile Road, West Hartford. I have no personal stake in the coast line at all except as a citizen of the State. And I think this is a very good bill and hope it gets passed. As a resident of an inland community, I am interested in the preservation of recreational and esthetic aspects of the coast line without disrupting the economic growth of the state as a whole. I feel long range planning is needed and want to see this process get off the ground. The federal government has wisely made money available for our use, I think we should use it. I also, as a taxpayer, would be glad to see some state money used to get the towns going. Thank you.

SEN. KNOUS: Thank you very much for your testimony.

REP. ANDERSON: I would like to say one thing on your testimony. You do have a very strong interest in this bill because every time you go to the coast line, or use a river, that our environment

MS. WENOGRAD: I think so too. That's why I wanted to some people who showed up today. Thank you.

SEN. KNOUS: The next speaker is Wanda Rickerby.

MS. RICKERBY: Good afternoon. My name is Wanda Rickerby, I'm a resident of Bethel, Connecticut and I'm employed by the Connecticut Audubon Society, as Director of its Environmental Center, here in Hartford. Because Connecticut is one of the

MS. RICKERBY (Continued): few states in the nation to have a salt water coast line, and because that's a very special thing, we at Connecticut Audubon have followed this bill from when the federal law was first passed. We think we have an obligation to take care of a very special resource that this state has had, and we've been approving and supportive of the bill from the beginning. Actually, if you pass the bill I don't know what I'll do to kill my time. I've been to advisory committee meetings and interim study committee meeting and subcommittee meetings, but I guess I will be glad. I need to take a little break.

We think the legislators have done a superb job of compromising differences on the bill and of working out a bill that solves that if we didn't worry about them much last year, at least other people sincerely worried about. I was thrilled today when Joe Moyle gave his CCM endorsement. I think that shows the kind of work that's been done here in the state legislature to make this bill workable and I want to congratulate you and thank you -- that you give it a favorable vote and get it off to wherever the next job has to be done as quickly as possible. Thank you.

SEN. KNOUS: Thank you very much.

REP. ANDERSON: One thing, Wanda, you brought out a very good point. People forget that we've worked on this bill three years, it has not been hastily drawn up. You've gone to over 30 public hearings throughout the state, it's been a long haul. We finally have something that most people --

MS. RICKERBY: I think somebody counted up, John, the number of hearings that not only you, but the -- it's close to 200.

REP. ANDERSON: Yeah, so this isn't a

MS. RICKERBY: Hardly. Thank you.

SEN. KNOUS: Our next speaker is -- Tom, of Oceanic Society -- I can't make out the last name.

MR. JACKSON: My name is Thomas C. Jackson, I'm Vice President of the Oceanic Society, which as many of you know, is a national marine environmental organization with its headquarters in Stamford, Connecticut. I reside in Meriden which is a land-locked community in the center of this state.

I'm here today to support a piece of legislation which we have followed for the passed five years, as it has worked it's way

MR. JACKSON (Continued): through some information from the Long Island Sound study, through the advisory council and then through the work of the Subcommittee of this legislature, to a point where now we feel we have a very good strong bill which people throughout the state can be proud of.

For far too long, we feel Connecticut's coast has served as a kind of ecological combat zone between men and nature. There along the shore, lie a fragile and easily disrupted natural system which support much of the acquatic wildlife, waterfowl and marine recreational industry in this state. There along this narrow path, where land meets water, is found some of Connecticut's most intense urban development as well as some of our least densely populated communities. It is there along this cutting edge of urbanization that a series of questions was to be decided which will effect the quality of life for all citizens in this state.

Now in the past, environmentally sensitive tracts of land were passed over by the simple economics of development. But since World War II, both the building boom and new means of construction have changed this. As a result, many communities, scrambling to cope with this building boom, focused first on meeting social needs and second on planning for the future. This meant that a town's master plan often came to represent the pattern of development which existed, instead of serving as a blueprint for the future. Coastal area management as proposed today will help rectify that for coastal communities.

This will have a very important impact on local taxpayers which has not yet been discussed here, in this hearing room. Each year millions of tax dollars are spent in this state for flood control, storm water drainage, and sanitary sewer construction. Each time a severe storm slams into the state, we pay a toll in property damage and the loss of human life, which stems from ill-founded development schemes of the past. And in a few communities, individual homeowners are finding their investments in their homes, jeopardized because of lack of development control in the past.

Coastal management gives local officials a reasonable and adequate means to manage their community's growth along the shore. It is not a means of state power, it does not increase the state's power. It simply gives local leaders the authority and the technological support they need to wisely manage the coast line. Therefore all this, House Bill 7878 is not all that it could be. The legislation does not mandate local participation in the coastal planning process. Instead it leans heavily on local

MR. JACKSON (Continued): implementation of a site plan review process to protect the vital coastal resources. While this may manage resources on a piece-by-piece basis, it does not take a strong enough step towards developing a planning process which would avoid some of the problems that we've experienced in the past.

A second major problem with this legislation focuses on interim control. By this I mean the lack of coastal management between the time the assembly approves the bill and the date the law goes into effect. In the past year while state lawmakers have worked on this measure, we have seen a dramatic escalation in shore line construction. This burst of building can be expected to explode into a full-fledged boom embodying all of the problems which have prompted the state to move towards coastal management.

This committee could ease this problem by requiring coastal management -- coastal communities to use site plan review processes for all major shoreline construction projects proposed between enactment of the legislation and the due date the measure takes full effect. This option is much more reasonable than any kind of a flat moratorium on coastal building.

For both of these problems this proposed bill merits the approval and vigorous support of this committee and on behalf of our members in this state, I'd like to thank you for your hard work and diligent efforts in support of coastal management.

SEN. KNOUS: Thank you very much. Are there any questions? Mary Mushinsky.

MS. MUSHINSKY: Good afternoon. I'm Mary Mushinsky of the Connecticut Citizen Action Group. CCAG has been following the saga of CAM for the past couple of years, first the data-collecting phase with public hearings, then the proposed legislation phase with more public hearings. We went home saddened in 1978 when the full CAM bill was stalled in a sea of confusion and only a skeleton bill emerged. We watched with interest this past summer as the Interim Committee on CAM, representing some very different ideologies, labored over the bill and held still more public hearings on a new version. Finally, we waited for the federal comments on the bill's language and watched as the bill was adjusted to suit them. Now a fourth set of public hearings occurs this week. Don't be surprised if the public has had it with CAM hearings.

As this final CAM version is being heard this afternoon, the Mideast Peace Treaty is being signed. One year ago, who would

MS. MUSHINSKY (Continued): have thought that the treaty would be possible? And viewing the CAM wreckage last spring, who would have thought a bill with across-the-board support could finally have been written?

This winter CCAG did a limited amount of door-to-door canvassing on the CAM bill. It's a long and confusing bill and the canvassers must spend a good deal of time at the door explaining how it will work in local zoning. Generally, there is near universl support for CAM among coastal residents we have canvassed. They frequently ask if CAM will open up their town beaches. But, of course, it does not. It is a planning and zoning program only. Once this is made clear, they sign willingly.

So today we'll submit the petition containing about 1,070 names to Representative Belaga of Westport to hold for the committee. The reason you're getting them is that it's going to the House first.

SEN. KNOUS: Also, Representative Belaga's a nice person to receive them.

REP. BELAGA: Thank you.

SEN. KNOUS: Are there any questions from the committee?

REP. ANDERSON: Mary, part of our strategy is to have enough public hearings that if we didn't get anybody to show up anymore, then we knew we had what we needed.

SEN. KNOUS: Are there any other members of the public who would wish to testify at this time? I have no other names up here but in case there is anyone. Hearing none, I would, therefore, close this hearing. Thank you.

Stamford City Hall
March 26, 1979
7:30 P.M.

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ENVIRONMENT COMMITTEE

PRESIDING CHAIRMAN: Representative Glickson

COMMITTEE MEMBERS PRESENT:

SENATORS: Knous, Skowronski

REPRESENTATIVES: Glickson, Belaga, Serrani

SEN. SKOWRONSKI: Ladies and gentlemen, I think we'll begin the public hearing. My name is Gene Skowronski. I'm a state senator from the 17th District which is the Naugatuck Valley and Hamden, and I'm the Senate Co-Chairman of the Committee. To introduce the members of the committee, to my right, is Senator Fred Knous from the 33rd District, which is along the shore, and as he says about nine towns going from Clinton to the Hartford area, Rocky Hill. He was the Chairman of the Subcommittee which drafted the CAM legislation. To his right is Lois Selleck, an assistant clerk of the committee and a transcriber from the Office of Legislative Management. To my left is Representative Andy Glickson from the 137th who will chair the meeting. To his left, Representative Julie Belaga from the 136th. And, to her left, one of your own local products, Tom Serrani from the 144th. All of the Reps I've named so far, and senators, are members of the Environment Committee, and as you know, Tom is House Chairman of the Transportation Committee. To his left is Representative Emil Benvenuto from the 151st, who is not a member of the Environment Committee but is very interested in this legislation because it affects his district.

Just a couple of announcements. We have members of the CAM staff from DEP here who will be available to answer questions during or after the meeting, although we don't run this as a question/answer period, but merely are here primarily to take testimony.

Also, there are copies of the bill here and there is a summary put out by the League of Women Voters of the bill, which is available at the door. Okay. So without further ado, if you wish to speak, there are sign-up sheets here -- we'll put another one out. So without further ado, we'll begin the public hearing and I will turn over the gavel and the mantle and the mike to Represenative Glickson.

REP. GLICKSON: Thanks, Gene. I'll just call the speakers off -- on this list. If anybody decides they really have the urge and haven't signed up, they can come up during the meeting and sign up. We'll ask you if you can please to be brief. We realize that it is a complex bill and it deserves a lot of comment, but we do have a large number of speakers tonight.

Okay, the first speaker is Dennis White. We'll ask the speakers to come here; we're recording the hearing even though we don't need this mike for amplification. So, if you would come up and be seated, if you wish, and we'll give you the mike to talk into. Now that we've got you facing us, I guess you also have speak loud enough so that the audience can hear just for their own interest.

MR. WHITE: Dennis White of the Conversationists -- the Vice President of Conservationists of Stamford, representing a private local conservation group. We've made a number of formal statements on the CAM legislation. We very much support it. We support this particular bill. We find some criticisms with it, but quite frankly in terms of a formal statement tonight, we'd rather have some questions about it that perhaps you won't answer tonight, but we'd like to get some answers some time along the way.

The thing that disturbs us about this particular bill at the present time is that we wonder is there a CAM program left within this bill? I got this bill rather recently thanks to Mr. Serrani, and, in fact, I recently read it. In looking through it, I really wonder is there a CAM legislation -- is there a CAM program left within this bill to the extent that it meets the requirements of the federal bill in terms of funding. We really wonder about this at the present time. In other words, is there a CAM Department left within the DEP and is there a program left within this piece of legislation to the extent that you can still call on federal funds on the basis of the requirements as laid down by the federal statute.

We're not saying there is not. We're just curious if there is. The bill at present as far as we can see is so general that it very much depends, as far as environment goes, upon the disposition, the good will, of those who are administering it. Among other things, it seems to us, correct us if we're wrong, we are not making absolute statements here -- it seems to us as if on the basis of this bill you can literally amend out of existence a coastal area zone or area that they manage within any given municipality, which might bring into very serious

MR. WHITE: (continued)
question to what extent you are meeting federal requirements. Now, if we are mistaken in this or if, in fact, you can lay our fears to rest some place along the line, we would appreciate it.

We support the legislation. We support any particular legislation we can get along these lines. But, those are some of the questions we have at the present time. That's about our statement for today. Thank you.

REP. GLICKSON: Are there questions from the committee members? Comments?

REP. BELAGA: We could comment on his question. I'd be glad to answer. Your first question, does it indeed comply with the federal CAM progam and in recent correspondence with them, the subcommittee was informed that they would accept the bill as we now have it drafted. There is staff still within the framwork of the DEP and they are funded through June. In response to your question, could a municipality completely eliminate part of the coastal zone. No, that really would not be possible under this legislation. It spells out that the thousand foot line is basically the minimum a municipality could expand it if it wishes to accomodate a road or a rock wall so something, but that is the minimum and they must comply with that.

REP. BENVENUTO: I'd just like to comment in regards to federal funds. I think there are federal funds. Unfortunately, they dwindle down to much less than what everyone anticipated. I think they're down to about $2,000, is that right Julie? The last figure I heard was $2,500 or $2,000 that the municipalities could expect.

REP. BELAGA: No. Glen, have you heard about any cutback in funds.

GLEN GROSS: No. there is $2,500 guaranteed each municipality the first year. It's start-up money. Then, we expect more money from the federal government. (inaudible)

REP. GLICKSON: Thank you. We've been joined by Representative Dorothy Osler from the 150th in Greenwich. Okay, the next speaker is Patrick Murkle. Do I have it right?

MR. MICKLE: Thank you. Some of you have met me here in Stamford before. I've been following coastal very closely and studying

MR. MICKLE: (continued)
it extensively since last July. I efforts have taken me to other states so that we could compare what's been done in other states. What worked and what didn't work. I'll make a prediction, if I may, of how things may fare here in Connecticut.

Just scanning this bill quickly since I just it in my hands last night, two questions come immediately to mind. The first one is with regards to interim control positions. The legislature will take action on this bill and the strength, the act won't take effect until January of 1980. In the meantime, what is to prevent developers from bastardizing our coast line. In effect, circumventing the provisions of the act by speedy developers. If there is something in the act, I would really like to see it. Like I said, I really haven't had a chance to look through it, but --

Then, the second point which I make tonight is with regards to a coastal review council. I didn't see it in here. Has the coastal review council been eliminated?

REP. BELAGA: Yes.

MR. MICKLE: I see. Could I comment on that? I'm not sure of the arguments behind eliminating the coastal review council. My personal position last December when the coastal veview council first came to be was that it was a step in the right direction with some independent monitoring agency with the final say of what happens at coastal management. Once the legislation leaves the legislature, the whole program will effectively be administered by the Department of Environmental Protection and there is no effective legislative controls other than through budget after that point.

I think that in other states where they had to start from scratch with coastal management as we are doing in this state, the use of independent agencies and voluntary unsalaried members, citizen members, legislators on the council, if you will, serve to be very helpful in garnering public support. I'd like to

REP. GLICKSON: Representative Belaga.

REP. BELAGA: Representative Belaga, 136th District. The coastal review council was implemented to handle problems when last year's bill required a coastal plan. This bill is optional and as long as it is optional, the feeling was that we didn't

REP. BELAGA: (continued)
really need to put into place a council that was from last year's discussion very controversial. People were very concerned about it and once we did away with the mandatory plan, we felt that that provision was perhaps unnecessary. So, it was dropped. The planning aspect of this bill was optional and not mandatory.

MR. MICKLE: The plan was determining long range policies for coastal management.

REP. BELAGA: Right.

MR. MICKLE: And, you will take that long-range policy planning and leave us with Department of Enviornmental Protection and effectively removing

REP. BELAGA: It is the option of the local municipalities. If the municipality wishes to plan, to make a plan for their coast line, they can indeed and they can be funded to do so up to 30% of that funding that is available.

MR. MICKLE: (inaudible)

REP. BELAGA: At the planning level.

MR. MICKLE: It is now optional at the local level to coastal review council is

REP. BELAGA: Exactly. Exactly.

MR. MICKLE: Which leaves my basic stance that something similar to a voluntary overseeing the whole CAM program and independent of the bureaucracy, independent of the administrative workings of the local level and of the state level planning and long-range goals and objectives of where are our particular areas of concern and how we're going to be able to address them on a state-wide basis. If you completely localize the plan, it's

SEN. SKOWRONSKI: I'd like to make two comments. You made a point concerning what input would the state have after this plan was implemented and I thought there was something in here that requires DEP to report to the General Assembly and the Governor as to how this plan was going and Representative Glickson

SEN. SKOWRONSKI: (continued)
pointed out that in Section 18 subsection c, lines 1307 and line 1307 to 1334, there is a provision for the Commissioner to submit a report to the General Assembly and the Governor each year on the activities of the Department concerning the
Belt #2 implementation of the act. I think that that allows for some sort of ongoing supervision by the legislature and the Governor. Now, I don't think we can let this thing turn into a debate and we shouldn't because it take us too long. My own feeling on the council is that though it might seem like a good idea, in theory, personally I'm not speaking for the committee I'm speaking for myself, I'm a little concerned about this proliferation of advisory councils and boards and task forces, etc. I thought that the idea of it was good and the function was laudible but I'm not sure that to create yet another body intermediating and coordinating is really such a good idea from my personal point of view.

REP. GLICKSON: Thank you. The next speaker is Mr. Connell. Why don't you have a seat here. Well, You're addressing the Committee and we also need it for the recording.
You can stand there as soon as we get your voice on tape.

MR. E. A. CONNELL: (Inaudible) right at the beginning that philosophically, politically and every other way, I'm opposed to the whole concept of the Coastal Area Management and I'm not going to get into that....
(inaudible - sounds like he is muffled)

On page 8, I'm not going to go into this very long, I just want to -- on page 8 line 34

prohibits the construction of any
because every receiving system has a potential for going dry. This is
of the Connecticut General Assembly that he has the potential to be so I really don't in phraseology.
applications
(not worth transcribing - only occasional words understood)

One more, paragraph, I don't know - require that new or expanded navigational channels break it down to existing watersheds, unquote. language.
(again muffled and inaudible - only a word here and there)
I suggest to the committee that

MR. CONNELL (Continued)
Darien, Stamford and Greenwich, I think
airlines Farmington, or East Hartford
Thank you.

REP. GLICKSON: Thank you. Questions from the committee? Question from Senator Knous?
The next speaker is Ken Bourque. We will remind you please to identify yourself and if you want, your affiliation and your address at the beginning.

We have a sign up sheet here for anybody who came in late. We have copies of the bills on the desk. Go ahead.

KEN BOURQUE: My name is Ken Bourque and I'm speaking on behalf of the Long Island Sound Task Force. I'd like to express some feelings of the oceanic and generally and some specific comments on the bills before the committee.

Before too long a combat zone between man and nature there along the shore

wildlife . There along the urban development and population
(This gentleman also was not near enough the mike)
all the citizens of this state.

In the past, environmentalists development
economics

Each year millions of tax dollars are spent in this state on flood control each storm development in the past. individual homeowners are jeopardized by lack of
Along the coast, the potential for damage and expensive corrective action is the greatest. Along the shore, the people of Connecticut have the most to lose. The proposed Coastal Area Management bill now before this committee is an important step towards protecting this natural resource and unnecessary development and unnecessary damage.

Based on years of study and responsible citizen involvement, this CAM the power and responsibility to
these natural resources . More important, the proposed legislation clearly spells out the kinds of technical assistance and financial support that will be given to

MR. BOURQUE: (Continued)
town officials to the shore. This still utilizes a sensible controlled by municipal controls. The base of this boundary on easily identifiable lines created by natural sources. The legislation also clearly states the goals and policies of the Connecticut Coastal Area Management program.

Local leaders will, for the first time be able to state and federal projects policies based on . Yet for all this, House Bill 7878 is not all it should be. For its 37 pages, the legislation does not mandate local specifications in the Coastal planning process. Instead, it leans heavily on local implementation of its coastal resources. With this approach is adequate remains to be seen. Connecticut citizens may have to return to the legislature next year to strengthen this position if it can.

The second major lack in the legislative proposal basically are interim controls. lack of personal management between the the time the General Assembly approves and the date the law actually goes into effect. In the past year while State lawmakers were working on this measure we have seen dramatic explorations in shoreline construction. This explode into a full scale full fledged boom regarding all of the problems . This committee can ease this problem by exploring community for all major shoreline construction projects proposed between legislative enactment of the measure and the date this measure takes effect.

This option is more reasonably if not moratorium for this period. For all this, the proposed merits the approval and vigorous support of this committee and its members. is the most important piece of legislature before this session of the Connecticut General Assembly. It is in a way, the bottle bill issue of 1979. It is also environmentally sound and economically sensible way to bring a kind of peace to this state and shorefront combat zone. Thank you.

REP. GLICKSON: Questions from the Committee?

REP. BENVENUTO: National Interests Inc. ...

MR. BOURQUE: Chris Roosevelt will be speaking shortly.

REP. GLICKSON: Thank you. Roland Clement.

ROLAND CLEMENT: Thank you, Mr. Chairman. Ladies and gentlemen, I'm Roland Clement of 71 Weed Avenue, Norwalk of the Norwalk Conservation Committee. And as some of you know, both as a citizen and a professional in the field of environmental resources, and after two or three decades, I have sought to serve the public interests by comprising some of the conflicts that have risen in this field.

As a result of this attempt of mine, extremists on both sides think I belong to the other side. The problems which concern us and which this Committee is trying to help solve has resulted because the full social costs of development in the past have left out -- have been left out of the account. So my approach therefore has become both economic and environmental.

I trust, particularly, that this Environment Committee will be alert to the fact that recent studies by Resources for the Future a Washington-based research group, have shown that the inflationary cost of environmental regulation in this decade of the 1970s are a mere .2 to 1/2 of 1%. This is very different than a number of people have claimed in our newspaper in recent months. For example, the much-contested Clean Air Act is computed to have cost this nation $9.5 billion dollars, but to have yielded benefits in public health improvement alone, that is to say in health costs, of $16 billion dollars. Now if we add the benefits in terms of material improvement, that is to say improvement in the lasting value our material things, it's quite that the benefit/cost ratio is easily 2 for 1 in favor of clean air. Or air pollution regulation.

Now my suggestion is that the CAM bill you now propose should provide benefits of the same order of magnitude, so it's important for Connecticut to move ahead in stabilizing the uses of the shore, since this is the highest value zone in our state. The proposed CAM legislation, and now I speak from considerable first hand experience because I have been Chairman and I am now Vice-Chairman of the CAM advisory board, which I served on for nearly three years.

MR. CLEMENT: (continued)
This legislation represents several years of thoughtful analysis of the problems of the coast, and a great deal of compromising of the many different points of view represented at local, regional, and state levels. The Environment Committee and its own subcommittees have softened the proposed act even more than we had recommended, but you have, I think, produced a satisfactory set of regulations which should eliminate abuses of the shore while imposing a minimum of planning efforts on the coastal communities.

Years of involvement in such coastal zone matters at different levels, federal and regional and state, have caused me to conclude that anyone who remains against this CAM legislation either does not understand it or is objecting to democratic decision-making in order to retain the free hand in deciding these issues for the rest of us. Let us remember that there is no alternative to planning the uses of land and water resources. The only question is who shall do this planning and how. I therefore favor the joint federal-state-municipal planning approach embodied in this legislative proposal and I urge you to move its passage without further amendments in order to avoid worse conflicts over the use of the Connecticut shore in the future. Thank you very much.

REP. GLICKSON: Questions? Thank you. The next speaker is Penny Haughlweint.

PENNY HAUGHLWEINT: Good evening. I'm a resident of Greenwich and I don't speak for any organization, although I am on the Board of the Bilen River Pollution Abatement Association. I have come to a number of your hearings and I have heard a lot of words and I've seen a lot of printing and a lot of power that's gone into this thing. And my feeling has been from the very beginning, and I speak for myself, and there's a lot of people like myself who are in the town of Greenwich, it's about time something was done. Mankind has been despoiling this plant ever since he came here, and I thank my lucky stars that you people sitting here have cared, have put in this time, have put together legislation with all the interests coming and breathing down your back and everybody saying I want my viewpoint represented, I don't like what you want there, and nitpicking over some things, and I say we need this legislation. We needed it long ago, and there

MS. HAUGHLWEINT: (continued)
are a lot of us people who are just homebodies or who are just ordinary citizens who are not in a particular group who are behind you and we want our voices heard from this area of the state. We know that it's not as strong as we would have hoped, and it's later than we would have hoped, but it is something, it's a beginning, and I do hope you make it and we're behind it.

REP. GLICKSON: Thank you. Chris Roosevelt.

CHRIS ROOSEVELT: Good evening. My name is Chris Roosevelt and I'm the President of the Oceanic Society. We are a national organization. We have 60,000 members support coastal management as an extension of their absolute commitment to wise management of ocean and coastal resources. In the Long Island Sound area alone, we have over 6,000 members, and in Connecticut we have over 3,000 members.

I'm hear to speak very clearly in favor of this bill. I know that you, as a Committee, and many other people have put an awful lot of work over a number of years into this concept. We who are involved in this interest area are keenly aware of the kinds of compromises that have been made, and have been made well. Those that Roland Clement just referred to. That's the process of our political system. That's the process of our democracy. We would still urge that there are some problem areas to consider. We would prefer that they be considered by way of amendments in the future and that this very good piece of legislation be adopted by you and by the Legislature as a whole as an exceedingly important first step in management of critical, endangered, overburdened, and absolutely necessary coastal resources in Connecticut.

I would like to say that I voice the concerns that have already been voiced by Mr. Bourque and by others. Our concerns are primarily in three areas, the voluntary nature of municipal planning, we do find it difficult to secure the kind of comprehensive planning envisioned by the Coastal Zone Management Act with a voluntary system. I do understand that that's part of the compromise that must be made in political concept. I have some legal concerns as to whether or not it might be challenged, if the office of Coastal Zone Management eventually does approve it as part of Connecticut's plan, but I think you're taking a good risk.

MR. ROOSEVELT: (continued)
It is a risk that obviously has been based on a great deal of legal advice, and I wouldn't sit here and on that advice at this point. Secondarily, we are concerned about the interim safeguards. We have seen already, particularly those of us that live in Stamford and Greenwich the kind of development that's going on in the coastal zone since the whole concept of coastal zone management was announced for Connecticut just a few short years ago. If we don't have better interim safeguards in this bill when the bill is enacted and before it becomes effective, you're going to see a land grab the likes of which we've never seen before in the coastal area of Connecticut.

And finally I would echo another speakers concerns for the loss of the Coastal Review Council. I thought that the concept was unique and contributary to this process, and that it involved a broad range of people representing different interests. While I agree that some of its role has been removed because of the voluntary nature of coastal planning or municipal planning, it does still serve, or could still serve as a very valuable service in resolving the dispute in the overall planning role, and in instances where, for example, if a coastal plan is adopted by municipalities and approved and there is either a dispute as to the interpretation of that plan or the municipality at some point wishes to back out of it. I think that you could have a balanced panel representing different perspectives. It could really serve a useful role in taking the heat off of some representative elements of government, taking the heat off some of the administrative elements of government, and yet coming forward with a balanced perspective to resolve this kind of issue.

Finally, I'd like to thank all of you for your devotion and dedication to this process. I don't think I'm alone in remembering a year ago when we were are in this same process of the doubts we had when the interim bill had been as to what would in fact, come out. Some of us had severe doubts as to whether there would be any coastal management in Connecticut at all. I think what you've done is you've found a good way to approach it from a rationale and sensible manner, yet there are ways that we would like to see it improved, but congratulations on what you've come up with. I think it serves all of us in the community very well.

MR. ROOSEVELT: (continued)
Mr. Benvenuto had a question that I believe was referred to me about the national interest provision in the bill. I'm almost astounded at how well those people have worked on this bill have come forward with an effort to very sincerely define exactly what the national interest means, and in doing so limit its application or its implication to our coastal communities. From my way of thinking, it has been set forth in such a limited and such a rational manner that anybody who is both a citizen of Connecticut, a citizen of the municipality and also a citizen of the United States would be very interested in making sure that just those national provisions that are mentioned are in fact in this bill and very carefully cared for by our municipalities in the coastal management process.

REP. BENVENUTO: May I ask you a question? Very firstly on line 113, section 307 of the Coastal Zone Management Act of 1972.

MR. ROOSEVELT: What page are you on?

REP. BENVENUTO: Page 4. And 307 refers to section 306. It's a little confusing to me, and section C of 306, item 2 states for a method of assuring that local land and waters meet regulations within the coastal zone do not unreasonably restrict or exclude land and water usage to regional That's kind of broad, and I'd just like to know how you interpret that.

MR. ROOSEVELT: I would in no way even attempt to interpret it. It is my clear understanding that the concerns that have been rightfully voiced about the national interest provision in the legislation and were given a lot of concern in the last year and a half in this whole area has been subject to legislative proposals, have been very clearly defined so that we know exactly what the national interests specifically are. It is my understand, and I realize it is on the basis of an informal representation that the specific national interest provisions in this bill have been informally checked out with the Office of Coastal Zone Management in Washington and have been, at least tentatively approved, as satisfying the requirements of the law. And I think your question may have something more to do than just national interest, because you speak of regional interest, and I'd like to know in particular what your question refers to.

REP. BENVENUTO: Well, if you're talking about regional affects on towns such as Greenwich, I'd like to know what they are before I would, you know, accept a section of this bill that refers to a broad reference to that.

MR. ROOSEVELT: Well, as you are extremely well aware, that's probably one of the most controversial provisions in the entire bill. It has people screaming and yelling about does this mean that the next three towns over can come and and occupy my beaches, or does this mean they occupy my industrial site or whatever -- my understanding is that if we -- my understanding and my reading of this particular piece of legislation allows the fullest opportunity for a community to determine what in fact it will do in its own coastal zone, and that is the incooperation with state authorities. And if the community doesn't choose to do that then it might be interpreted by state authorities under a site plan review process in a way that may not be to the liking of that community. So there's a lot of encouragement here, I think, for a community to choose their own municipal planning process and perhaps to handle themselves and govern their own future and their own interest in their own way.

Belt 4

REP. BENVENUTO: What you say is very true, however, in the section referred, it sort of reads like an policy. It gives you a lot of provisions in the beginning and sort of takes them away from you as you decline, and that's no great concern. I know you have the data on it ...

MR. ROOSEVELT: I think this offers the best process of having the localities determine their own future and their own resources and not having them subject to any arbitrary decisions by anybody else.

REP. GLICKSON: Thank you. The next speaker is Dennis Griesling.

DENNIS GRIESLING: My name is Dennis Griesling, and I'm a resident of Stamford. I hold the position of Government Affairs Manager with the National Association of Engine and Boat Manufacturers, a trade association of the Recreational Boating. The drafters of Committee bill 7878 are to be complimented on their efforts. They have embodied in their bill several fundamental principles that have long been for the boating industry.

MR. GRIESLING: (continued)
Specifically I refer to the concern to new introduction for waterfront recreational opportunities into the urban areas. The industry has long supported such a program for a variety of reasons, and paramount among these is the inherent economines involved in providing launching ramps and marine facilities in the urban centers where the population lives. Urban boatmen are now often required to trailer their boats and transport themselves to facilities quite a distance from their residence. Urban recreational boating facilities therefore, constitute a compliment to our national goal of energy conservation.

Secondly, boating facilities can often make use of existing industrial or commercial structures, thereby encouraging more economy in urban development in its current period of fiscal restraint. A second point is the recognition of priority status of water-dependent activity in determining access to the shoreline. This is to be afforded as a first and necessary step for developing a rationale for long-term planning and coastal management.

Third, the general recognition of the importance of water-oriented recreation for the citizens of the state. Fourth, a special concern of the recreational businessman. The intent of the bill to coordinate procedure in order to facilitate and expedite the consideration of should certainly be encouraged. Uncoordinated procedures have proved so discouraging and time consuming in some states that private development has often been abandoned There is a maran owner in Florida who has spent over six years and an amount equal to half of the original cost of his physical plant in obtaining the necessary permits.

Despite the inclusion of the preceding items in the bill, there are certain sections which are of concern to the private businessmen in the recreational marine area. These concerns can be summed up under the problem of competition between privare and public sectors. The development of private marinas and boatyards is a costly, relatively low-profit endeavor. Most of such operations are small, family owned businesses which are faced with severe problems in capital accrual in maintaining their facilities. Already we must deal with this in the face of severely increased federal workmen's compensation requirements

MR. GRIESLING: (continued)
and presently classed shipbuilders,
and longshoremen with taxes and high interest rates.
Nonetheless in private business operations, they do generate revenue and thereby contribute to the public treasury.
If these operations are placed in competition with public facilities which take fewer of these costs, they are further strained. At times to the point of failing. Such competition is unfair. More importantly, the state loses revenue sources each time a marine business fails. Public facilities are simply not the same productive system as private operations are.

Especially in regard to those activities defined under the national interest, I would suggest that rather than place such specific emphasis on public facilities, I would propose a more general support for the entire coastal recreational section be adapted which would include equal encouragement and recognition of privately owned facilities as rendered equally valuable in the public eye. In many areas of the -- country cooperative long-term agreements have been developed between the public and private sectors to mutual benefit. Such plans are increasingly popular in the fiscal environment fostered by Proposition 13.

An example of such cooperation might be found in the development of any coastal site plan. The cost of such often sophisticated studies might in part or whole be borne by the state. The information would become part of the public record in any event, and it seems appropriate that the state bear at least a portion of the cost. In conclusion the bill is essentially a good bill which embodies a variety of important principles. I do have reservations, though, over its intention as to the future of the private sector in coastal recreation. Thank you.

REP. GLICKSON: Thank you. The next speaker is Joan Jacbosen -- Jobsen.

JOAN JOBSEN: I'm speaking as a member of the Conservation of Stamford Board of Directors and as past president.
(Inaudible)
And today there is a large dredging operation underway in the Stamford harbor. As everyone knows by now (inaudible) in the sound. (Inaudible)

MS. JOBSEN: (continued)
The bill under consideration tonight would the state to save harbor. (Inaudible) Certainly hasn't been in the best interests of Stamford. I come here, however, to (inaudible) Inasmuch as municipalities no longer are (inaudible) Shoreline areas will be required to set up a plan. We favor in concept, but we do believe that there is so little left (inaudible).

REP. GLICKSON: Thank you. The next speaker is Dee Bouton.

DEE BOUTON: Dee Bouton, 236 Puritan Road, Fairfield. 236 Puritan Road, Fairfield happens to be the unfilled salt marsh. When we bought the house we came from upstate New York and nobody ever tells you that this house It has not in the 12 years we've been there, but with us and all our neighbors, if hurricanes came in all go out, and depending on whether the wind is blowing in and what the tides will depend on whether the water will come up a foot and a half will make your house to under or not. I think that the Coastal Zone Management is very important to the private citizens who come from out of state and does not know about hurricanes and flooding on the coast and unwarily buys a house or a condominium or whatever, that has been built on this filled land.

It is now known the is rising, and if you don't believe it, you can go down to the marina in Fairfield and you can see road that was indeed used in colonial times, is now three feet under water. And yet still builders are coming in and building right on the coast, which in a matter of years is going to be under water. Another thing is that from the Yale seminars that are now going on, those fish -- as more fish are taken by sport fishermen than commercial fishermen along the coast. So when we build on these salt marshes and if we flood, if I flood, we have federal flood insurance which will pay our damages, and you will pay for us to rebuild, and at the same time, by us being on the salt marsh, we are depriving you of the fish that you want to catch. And again, you go down and look at a marsh in the spring it is a fantastic nursery. It's where the majority of your fin and fish come to spawn, and when you fill in these salt marshes and in a recent interview with said that

MS. BOUTON: (continued)
the decrease in fish population is greater than just the pollution factor, and he attributes this to the filling of all the estuarys and the salt marshes for construction. So by allowing construction on the salt marshes, you're both presenting a hazard to the people who are buying homes unwarily, you are costing the federal government which is all of us more money because you have to pay when you get flooded, and again, you're just depriving all of us citizens from the possible products of fish -- shellfish that we might get from there. The tremendous water purification that these shellfish offer because they're so I really this bill in that it isn't just, you know, if I say, big government coming in, but for the private citizen, I think it sometimes very much needed for our benefit. Thank you.

REP. GLICKSON: Thank you. Ben Boesib, please.

BENNETT BOESIB: I'm a member of the staff of the Norwalk Planning and Zoning Commission and am speaking both for the Planning and Zoning Commission in Norwalk and for the staff and as a professional planner, I would like to endorse the proposed draft of the CAM legislation. The Planning and Zoning Commission, I believe, wrote to your Committee earlier endorsing an earlier draft, and they also would endorse this draft, since it does seem to be somewhat watered down version of the original.

We believe this is an important piece of legislation for a number of reasons. One - that it's a first step. It's more or less an enabling legislation. It allows towns and cities along the coastline to begin to address an issue that hasn't been addressed for some many years, and that is adequate planning for development, redevelopment of the shoreline. The technical assistance in the amount of work that's been done by the CAM staff provides the backup which we, as professional planners, need to help draft these local requirements, and we certainly think that they've done an excellent job.

There are certain sections of the proposed bill which I would like to ask a few questions about. Sections 8 and section 9 speak of the review by the Commissioner of the DEP of proposed local plans for local zoning, and we were wondering if there were a thought of any potential resolution

MR. BOESIB: (continued)
of a major conflict that might emerge at this stage. The bill only speaks of a 90-day period in which the Commissioner of DEP may give a written review of the local plan of a local zone. But there is no discussion of what may occur if the Commissioner of DEP feels the local planners of zoning amendment are completely in concert with what the state may believe to be the local needs.

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Also in terms of Section 8 and section 9, the Commissioner of DEP, while he is reviewing local plans for conformance with the overall guidelines and policies set up by CAM evidently does not have review of state plans. And this is something that is not very clear in the bill. Section 21 speaks of a review for conformity of other state plans, but it does not have the specificity that the Commissioner of DEP must have a 90-day review period, and it's a little bit unclear as to what would happen if a state plan were not in conformance with the CAM policies -- what would happen, how would that be resolved.

Also, the final comment is that there is no reference to the extent of which applications for site plan review or local area plans or local coastal area zones would be reviewed by regional planning agencies. There was some mention by previous speakers of the Coastal Review Council which was taken out of the legislation. Perhaps some reference to regional planning agencies could be inserted to give some type of regional perspective to the individual localities of coastal area plans and coastal area zones. Those are my comments.

REP. GLICKSON: Ben, in regard to your first question, I believe that section 20 at line 1345 would give the Commissioner the standing to challenge local regulations or local, well -- I think the decisions would include these options of inconsistent -- of regulations that were inconsistent with the stated policies in the act. That's not necessarily an authoritative interpretation.

MR. BOESIB: In other words, if the local coastal area plan is -- the Commissioner felt it was totally in conflict with the policies ...

REP. SKOWRONSKI: I think -- again, it's a 33-page bill and it's magnum opus as they say in the business, but I think with respect to sections 8 and 9 that the opinion -- or the interpretation or guidelines of the DEP are only advisory on the local Board. And I think implicit in language is that the local authority can ignore the recommendations of the DEP, as I read it. I think again, I may stand corrected by DEP expert, I think there's a practical matter, the way the thing will work, the way I've seen local boards operate, in my own experience is that they often times will seek advice from state agencies and from regional planning agencies, which by law they're not bound to accept, but it usually does carry great weight with the local agency, without the local agency having to be compelled to follow it. My own feeling, reading the act, is that that's the way this will work. I'll stand corrected by other members of the Committee.

REP. BELAGA: Representative Belaga, 136th district. I think what you see is that it would be inappropriate for local municipalities to develop a plan that did not, indeed, tie in with the goals and policies that are clearly spelled out in the beginning of this bill. Where the Commissioner might not be able to threaten or do anything dramatic -- I stress that word -- in the involvement with site plan reviews, the Commissioner could enter in its party, so that if a community were handed an application on any parcel along the coastline, and they allowed for some development that was greatly in conflict with the goals and policies of this act, the Commissioner could indeed step in at that point. I think that it would be foolhardy for a local municipality to use a coastal plan that was not in tandem with what is recommended here. That is obviously where they're going to go if they're going to bother to do it.

In answer to your second question, the regional planning agencies aren't necessarily listed in this, but in the discussion last year with this whole Coastal Council, there were questions about how the regional planning agencies could play a role, and I think that the optional aspect of the municipal planning, it was assumed that many communities would turn to regional planning agencies as consultants and would use them in that capacity, so there was never a question of cutting them out of the action, so to speak, and allowing the municipality to make that choice on their own.

MR. BOESIB: What about the that the Commissioner review of other state's plans. Would be the same review as he would be ...

REP. BELAGA: I made myself a note to double-check that because it says that they indeed should -- they will comply with this. You have raised a question I'm not sure is answered ...

GLEN GROSS: Section 21 seems to cover it pretty clearly.

SEN. SKOWRONSKI: It says that they shall comply. It doesn't say what happens if they don't.

MR. BOESIB: Yeah, and there's no 90-day review period. (Inaudible)

GLEN GROSS: It simply says they will be consistent.

SEN. SKOWRONSKI: Glen, would you comment on 8 and 9, the question as to whether -- what if a coastal plan is submitted to the Commissioner for comment, the comments go back to the local planning agency and they choose not to accept those recommendations.

GLEN GROSS: They would probably be able to do what they want. The whole program is voluntary anyway. (Inaudible)

SEN. SKOWRONSKI: Thank you.

REP. GLICKSON: Thank you. The next speaker is Roger Pearson.

ROGER PEARSON: Thank you. I'm Roger Pearson. I'm a selectman from Greenwich and I'm also speaking in behalf of the first selectman of Greenwich who could not be here tonight because of a previous commitment. We are advocating the passage of this legislation. It appears that this bill creates the framework for an effective relationship on federal, state, and local levels leading to a more rational planning for the development and preservation of coastal areas. I believe Greenwich has traditionally met its responsibilities to its people through careful consideration of proposed coastal usage, and I think that we have a responsibility, as well, to future generations to at least preserve the town as we know it, and if possible, to improve it.

MR. PEARSON: (continued)
This bill affords us an opportunity to meet that responsibility. Thank you.

REP. GLICKSON: Thank you. The next speaker is Sandy Finder.

SANDY FINDER: I'm Sandy Finder testifying for the Stamford League of Women Voters. The Stamford League has followed the difficult course of this proposed legislation for the several years it has been under discussion. A number of our problems with it have been solve in successive revisions and we earnestly hope that others can say the same. It is a measure we can support with the expectation that its enactment will at least begin the process of rational planning for preservation and enhancement of Connecticut's invaluable and threatened shoreline.

The bill in its present form certainly shows that last year's local opposition, based on fears of state control, was listened to. What we have before us now is, in most respects, enabling legislation. It sets up state goals and policies and the opportunity for coastal municipalities to establish coastal programs, assisted by state financial aide, so that each municipality can manage its coastal resources in line with the state policies. No one is forced to adopt a local coastal program, but there are financial and administrative advantages in doing so.

The definition of the coastal boundary areas has been narrowed down to immediate waterfront area, relieving the burdensome and intrusive aspects of the earlier proposed definitions. It is a strict limitation that can certainly be defended as necessary for shoreline protection. The mandatory portion of the bill calls for site plan review of activities and projects that come before our planning board, zoning board and zoning board of appeals on land within the defined coastal boundary. There is financial assistance provided for the administrative costs of these reviews. It will be to our advantage that law defines criteria on which these decisions are made and that our local regulations can be brought into conformity with overall policies for consideration of development impacts on our public resource and asset, the shoreline and its related fragile lands.

MS. FINDER: (continued)
It may be argued by some parties that in its permissive form the bill does not go far enough to establish protective measures. It is, however, a rational method of beginning what has for too long been neglected. As experience is gained, it may be much easier to understand and strengthen any weaknesses. We urge support for the bill. Thank you.

REP. GLICKSON: Thank you. Allen Berrien.

ALLEN BERRIEN: My name is Allen Berrien, a boatyard owner in Milford, Connecticut, and I'm a member of the Connecticut Marine Trades Association and I'm making this statement on their behalf. I feel much the same as Roland Clement mentioned before that I'd be considered a traitor by supporting the legislation and to get into the middle ground, you somehow become suspect on both sides, and I hope that my support of the legislation doesn't mean

We urge that this legislation be passed for the following reasons. It provides for a central role by coastal communities in dealing with the problems associated with virgin . While this development affects the state as a whole, it is most clearly and directly a concern of the communities who are affected. The act is both fair and workable. The bill does not force coastal planning on any specific community. The development of local coastal management programs is entirely voluntary. We sincerely hope that all coastal communities will sieze on the opportunity provided by the bill to take a more active role in guiding the course of development along their shorelines.

We believe that the bill provides fair and adequate guidelines for developing municipal coastal programs and for distributing federal aide to do so. The bill directly confronts the critical coastal issue that continued appropriation of scare shorefront and the forcing out of many traditional shorefront uses by development that have no pressing need for a shorefront location. It confronts this issue by establishing as a matter of legislative policy the priority treatment of water whether commercial, industrial or recreational by regulatory bodies at all levels of government. In this vain, we are pleased by proposed policies regarding port redevelopment for our urban areas -- for our urban ports which have been neglected

MR. BERRIEN: (continued)
for a very long time. We are also pleased by the legislation's commitment to improving recreational boating opportunities by limiting the encroachment of non-water-dependent activities on areas where boating and facilities that support
We support the initiation of long-range dredging programs in cooperation with the federal government. The critical problems of dredging of navigational channels and the disposal of dredge material must be addressed immediately, if the is not to suffer irreversible damage.

We believe that the bill's recognition of the great importance of recreational fishing and the promotion of fishing
is crucial to this long overlooked and very important recreational
We support the protection that the bill would provide in vital marine and coastal habitats and (inaudible)
We believe that such protection is absolutely essential for the maintenance of recreational opportunities and to the financial well-being of those who serve the recreational public.

We have, finally, the environmental protection be undertaken in a fair, reasonable and consistent
We believe the passage of this legislation would contribute to that goal. We believe the bill addresses the problem of great concern to those of us in marine recreation business. That is the proliferation of uncoordinated and often mutually contradictory regulators programs at all levels of government. The frustration and expense of trying to obtain various local, state, and federal permits presently required for coastal development for even the most minor sort, could only be appreciated, if that is the right word, by experience.

This legislation will bind local, state, and federal regulatory bodies to a common set of goals and policies and mandate that consistency reviews be reflected in all state activities and planning. And it requires the coordination and consolidation of the Department of Environmental Protection regulatory programs.

MR. BERRIEN: (continued)
There are two or three areas that we're concerned about, and one of them is that the amendment of what was 405 and I believe is now 406 which deletes reference to recreational opportunities in general and its attention to only state owned facilities, fails to recognize that the public recreational needs are met by a complex of local, state, and private facilities of all kinds. The continued vitality of this entire complex is vital to the public interest. A reference to those general recreational opportunities should be reintroduced.

We agree that every possible effort should be made to ensure that marina development be made more acceptable to environmentalist sensitive areas. These efforts may include but should not be limited to the utilization of ramps and dry storage, however. We believe that more general and flexible language would encourage the sort of and variety that will result in solutions to this specific problem. We are in broad agreement that the bill's identification of coastal uses and facilities is of national significance. We do not agree that only state and federal facilities are of national significance. Again, we would point out that the public's recreational needs are served by a wide variety of public and private facilities and they are all of national significance. And we recommend the deletion of the reference which specifically states federally owned facilities.

We agree that the submission of the coastal site plan by an applicant is a reasonable requirement. We have considerable reservations as to the technical and financial burdens that would be imposed by producing some of the information requested. For instance, assessing the capability of resources to accomodate the proposed use, assessing the suitability of the project for the proposed site, and evaluating the potential beneficial and adverse affects to the project, will all involve determination and judgments that are found beyond the competence of most applicants to address, without the assistance of CAM consultants. We do not, for a minute, argue that these determinations should be made prior to allowing the project to go forward, but they should be made by the regulatory body and not the applicant. At the very least, a provision should be made for access to technical or financial assistance if the applicant is

MR. BERRIEN: (continued)
requested to do a (inaudible)
And the final comment is that some conditions or limitations should be placed on the bonding power of local authorities under section 13 of the proposed bill. A surety bond is a reasonable requirement only to the extent that it reflects the public risk involved in the approval of a given project. We would urge, therefore, that the amount of any bonds be conditioned on the salaries
and the potential for damages.

REP. GLICKSON: Questions?

REP. BENVENUTO: I'd just like to ask one question. In regards to public access that the gentlemen referred to, do you have any estimate of the traffic that would be involved from out-of-staters into Connecticut, if your proposal is met, as far as opening of public facilities and recreational facilities to the general public.

MR. BERRIEN: The traffic isn't an I see that as the public that's here.

REP. BENVENUTO: You don't. Well if it's going to be open to the public it would mean total public -- New York.

MR. BERRIEN: I think you'll find that the opposite is true. I wear another hat. I'm also the harbormaster in one of our local communities and we absolutely must provide access to people from out-of-state, if you will, to the harbors if they are in fact, public harbors. (Inaudible)

REP. BENVENUTO: If you live in Port Chester or White Plains and you can have those any of the Connecticut beaches, don't you think you'd be tempted to drive into Greenwich and enjoy the beach facility. If you had access to any public beach.

DENNIS WHITE: He's looking (inaudible)

REP. BENVENUTO: You made reference to public access to beaches and recreational facilities.

MR. BERRIEN: We were talking also of eliminating the private sector. In the context, the private sector has been eliminated in the present ...

REP. BENVENUTO: Right. Now refers to only state owned facilities.

REP. GLICKSON: Thank you. Next speaker is Dick Carpenter.

DICK CARPENTER: My name is Dick Carpenter. I'm the Executive Director of the Southwestern Regional Planning Agency, and we are pleased to have the opportunity to testify at tonight's hearing on coastal area management. During the relatively short time we have had to review the latest version of this bill -- we received a copy of March 21st -- we note a general improvement from previous drafts.

1. Increased attention to the coastal area. When our agency considered this matter at its February 5 meeting, it stated that it welcomed the prospect of increased attention on the part of local and state agencies to the coastal area. Indeed we understand that local planning and zoning commissions will be gratned greater authority over the coastal area than presently is the case. We note further that, unlike previous versions, the production of a municipal coastal program is no longer mandatory and that the authoritative review by a Coastal Review Council has been deleted. We had expressed concern about the precedent of establishment of such an authoritative review mechanism might create.

2. National interest. The issue of national interest still remains an elusive problem. For instance, at Section 3 (14) H "improvements to the existing interstate rail, highway and waterborne transportation system" are included among "those facilities and resources which are in the national interest". Does the word existing mean no new systems? And how will we decide in some better way the relative national interest of perhaps the most controversial coastal transportation issue -- a bridge across Long Island Sound?

MR. CARPENTER: (continued)
I think there's already a paper where New York has taken a renewed interest in this issue and is actively pursuing it by visiting both Connecticut and Rhode Island Finally, advisory review by a regional planning agency. As you are aware, the Connecticut General Statutes 8-3B and 8-26B provide for advisory regional review of proposed subdivisions and zoning changes that abut or are within 500 feet of a municipal boundary. Our agency has consistently suggested that a similar provision be made part of any coastal area management act. We enclose a draft amendment to give effect to this suggestion. We believe that what one municipality may decide for its coastal area may possibly adversely affect its neighbor's coastal area. Allowing advisory regional review may avoid needless conflict or inconsistency and can help resolve inter-municipal or regional problems.

I would say that this process of advisory regional review has worked rather well during the, oh I guess nearly 20 years almost, since the history of regional planning agencies in Connecticut. I'm happy to hear that the Norwalk Planning and Zoning Commission would also like to see this happen. I know the advice we have rendered to Norwalk Planning and Zoning Commission, well I think most of the time, has been gratefully received. Sometime they don't agree with us always, but I think the system works well, and I'm happy to hear that they're endorsing it. I have drawn up a suggested wording of such an amendment and taken the word essentially from the existing legislation, including the double negative which, I don't know whether some lawyers can correct for me.

I think this review might also apply to the site review provisions under section 15. For any site review process within 500 feet of municipal boundaries. Thank you very much.

REP. BELAGA: Mr. Carpenter, there's no reason to pursue this 500 feet currently that exists now for your review would in any way change ...

MR. CARPENTER: Well, I guess I'm using the distance of 500 feet simply because a part of it already exists in the review of zone changes. Maybe another distance might be more appropriate, but that has been found to be reasonable.

REP. BELAGA: One of the things we tried to do is stick with this planning and zoning statute to continue the existing time frame and process and that is part of the existing statute, so that would -- could I also make mention of your comments about the bridge from New York to Connecticut. Currently the state of Connecticut really would have nothing to do if the federal government said they wanted to build a bridge. We have no way that we can get a handle on federal decisions. If indeed the state of Connecticut went with a coastal management program, and the federal government agrees to comply with our program, we have stated in policy to preclude development in wetlands or tidal waters or whatever, we would finally and at last have a little clout to say no to the federal government.

MR. CARPENTER: I sense that ...

REP. BELAGA: It is a very positive step for us to have to have the federal government comply with the state of Connecticut for a change.

REP. GLICKSON: Thank you. Pat Coplen.

PAT COPLEN: I'm the Chairman of the Westport Planning and Zoning Commission. Last year I was here to speak in support of the concept of coastal area management. Tonight I am here to support Bill 7878 and to congratulate the Environment Committee of the legislature for bringing forth a bill which not only addresses the concerns of all coastal communities of our fragile coastline, but which also addresses and protects rights of property owners and allows them to effectively use their land.

You have walked a tightrope between the unyielding forces for no growth and the equally unyielding forces for unrestricted development. You have maintained your balance, which is quite an accomplishment. Congratulations.

MS. COPLEN: (continued)
The planning and zoning commissions across the state, facing this problem are trying to reach a middle ground between rigid polarized points of view is an on-going situation. We find that when standards are not clearly set and guidelines not clearly spelled out, both at the local and state level, that the courts are often making our zoning decisions, which is a most unwelcome intrusion into the local autonomy. This bill addresses the matter of standards and guidelines head on, and I applaud you for recognizing our problems and know that you were listening last year -- for that too I thank you.

I will urge Westporters to welcome a rewrite of our town plan of development to reflect matters encompassed by this bill. Frankly, our town has never looked at our coastal or tidal river areas from this frame of reference. Obviously we have needed a push, but more than that we needed a helping hand. As planners, we always welcome an opportunity for long-range planning, but are often hampered in our efforts, as are many towns by a Board of Finance which cringes at the word study and the attached price tag. Often Boards of Finance can only see todays mill rate and cannot seem to grasp the fact that advance planning is the equivalent of preventative medicine for future disorders that will indeed cost the town dearly.

Therefore, we endorse, enthusiastically, the available funding to implement this legislation. Our financial requirements will not be great, a matter of which you seem to have anticipated, but without it I believe our hands would continued to be tied. Westport has had a site plan review procedure for commercial development since 1972. It has been an invaluable tool in dealing with the impact of in-land development. And in the long run it saves both the municipalities, the developers, and the property owners the time, energy, money, and frustration. I think the communities who have not yet adopted this method of control of intensity of use, will find after working with the site plan review procedures that they may want to apply to other zoning permit areas. Although it will not be too difficult for us to incorporate your site plan review mandates, our current staff does not have the time available for this purpose, therefore, I reiterate funding formula is essential to implementation in our town.

MS. COPLEN: (continued)
I am pleased that the proposed bill utilizes existing agencies, existing statutes, existing time schedules and hearing procedures with the help to know the territory. In answer to those of us who supported the concept last year, but were concerned about the elusive nature of the goals and policies, I am pleased to note that they are now clearly spelled out in the bill. For some of us who are slow readers, it makes for difficult reading, but you have left no room for the town to complain that they don't know quite what it is that they should be addressing.

We applaud the fact that the bill gives support to the redevelopment of urban ports under its technical standards. We, too, are concerned with the efforts of our neighbors Stamford, Norwalk, Bridgeport, to dredge their harbors in order to maintain the viable economically successful waterfront. Such programs are vital to the health of Connecticut's economy. We agree that it is essential that the state make a commitment to such redevelopment options. All in all, I like the bill, and it is a program whose time has come. I urge you to support it. Thank you.

REP. GLICKSON: Thank you. People waiting to speak, not to dispare, we are moving along. Mr. Nickerson.

TEK NICKERSON: My name is Tek Nickerson. I'm an environmental planning consultant. I'm a native of and presently live in Cos Cob. I favor the immediate implementation of the act. And I'd like to embellish on that. Last year about this time I was one of at least two people who attended the Zone 78 Conference in San Francisco -- on my own nickel I might add -- this was a conference, a national conference of 1,200 people from around the country to address this issue of coastal zone management. And there were politicians, there were engineers, there were ecologists, there were bureaucrats, there were everybody. Everybody was represented and the papers that came out were bound in four volumes that wide, small print, and I have to say that that is the 9/10ths of the iceberg beneath this legislation -- this act, and this particular bill before us, 7878.

I think that what we see before us, on the surface, these 37-odd pages represents that and I think that Arthur Roche and his team have got to be congratulated for a really heroic effort. And I think a very successful wording

MR. NICKERSON: (continued)
of the bill. I think that they have successfully addressed the issues and the revisions and my only concern is that the bill be enacted -- be implemented at the time, at the moment of enactment, in order to avoid the catastrophic impact of construction along the coastline, if the implementation is delayed. Now, half of my income comes from municipalities, municipal agencies, and half of them come from developers, and I can assure you that money, as we all know, is tight and so therefore now is the time to act and get this thing passed while the money is here, while the construction is somewhat dried up, because as money relaxes and the construction becomes on-line along the coastline, we are going to experience the same kind of desolation that we experienced in our previous act of similar nature.

So my final word is that we can prepare the boundary maps now and we can plan the workshops now, since it is apparent that the public approves the intent and the bulk of the bill under its current revision. Thank you.

REP. GLICKSON: Thank you. The next speaker is J. Gale.

JEFF GALE: My name is Jeff Gale, and I represent the Wallace Point Park Association here in Stamford. In general, we support this bill because it is of a voluntary nature and do not -- we don't have the same objections we had to last year's bill. The only thing I might add is recreational facilities in the state are limited, and I think that here in Stamford we get the feeling that we're the dumping ground for the area as far as recreation goes, besides sewage and everything else. And if there are plans to make state beaches, etc., we would appreciate them someplace else, because right now we handle a lot of people from out of state and our neighboring towns do not.

REP. BENVENUTO: Can I just ask -- why do you handle people from out of state?

MR. GALE: Well, the way the set up
is virtually impossible to control parking in certain areas.
You can park on the street
You walk up Cove Road and (Inaudible)

REP. BENVENUTO: So right now you're attracting people from ...

MR. GALE: Yeah, we're carrying our weight and in towns like Greenwich and Darien which virtually have no access to these people because they're all concentrated here, and that's what we most concerned ...

REP. BENVENUTO: What would happen to Darien and Greenwich if it was open to ...

MR. GALE: Well, it might take a little pressure off us.

REP. BENVENUTO: I see.

REP. BELAGA: This may be an interesting discussion, but it doesn't relate to this bill. The questions in the bill regarding access to public beaches is not in this bill, and I make it very clear it is not in this bill and I'll say it again, and if you want to look for somebody looking down and over your shoulder, forget it, it's not there. It's interesting to see the exact, specific words that say that you are dealing with the state -- line 83 -- to encourage public access to the waters of Long Island Sound by expansion, development and effective utilization of state-owned recreational facilities and opportunities within the coastal area. And that is very clear that we are dealing and addressing ourselves to state-owned recreation facilities ...

REP. BENVENUTO: I was only commenting on the gentlemen's remark. I understand ...

SEN. KNOUS: Fred Knous, 33rd district. I might just echo Julie's comments. I think she' offered a $100 reward for anyone who can find such wording in the act, Representative Belaga.

REP. BELAGA: Which Fred knows pays.

REP. GLICKSON: The next speaker is Mike Pavia.

SUSAN BREWSTER: city of Stamford, and I have several statements that I'd like to read into the record. There's one from the Mayor who couldn't be here, he's at one of the four other meetings in this building tonight.

MS. BREWSTER: (continued)
Gentlemen, I am writing to you tonight because I am unable to be here personally, but I wanted to indicate my support for the coastal area management program. The need to continue comprehensive planning for our state coastal resources is critical. Such resources are limited and it is important to plan for their development in potential. The utilization of coastal lands for industrial, commercial, residential or recreational must be carefully considered as a commitment to one may often prohibit the change to another.

Our city has been fortunate to receive money from the coastal area management program to undertake comprehensive urban waterfront planning. I have found the staff to be knowledgeable, cooperative and supportive of our efforts and almost as excited by the studies as we are. I would urge your Committee to support this important program and to appropriate the necessary funds to continue the establishment of an overall coastal area management program. Connecticut's future development, both statewide and for each municipality is dependent on sound responsive planning and management. The coastal area management program is a vital component of such planning. Sincerely, Lewis A. Clapp, Mayor of Stamford.

Now I have two slightly more technical statements from Michael Pavia, the Environmental Protection Director and John Smith, the Planning and Zoning Director. John is actually down at a meeting on the south end which is one of the studies we have funded by the coastal area managment program. First by Mr. Pavia:

The enactment of this bill would introduce the comprehensive planning process quite appropriately to the local management and review of land use throughout coastal areas of the state. Comprehensive approach is a significant factor. A concept this procedure is complimentary -- state of the art The substance of the bill is necessary. CAM is a very real positive step as a result of extraordinary research and public input, and I encourage its enactment.

Comprehensive planning is not just a term, but a science when applied to coastal area management. A note of caution - the successful application of the comprehensive planning process for coastal planning lies solely on the degree of

MS. BREWSTER: (continued)
technical data and information generated on its behalf. To provide the necessary pool for its effective implementation the ensurance that the kind of resource data we need is prepared and available to us either before or concurrent to its effective date. I know that all the information necessary to achieve the goals stated within this bill and comply the process of review do not currently exist, if needed, for the effective application of same. I support its enactment.

And now from Mr. Smith, Planning and Zoning Director, Inasmuch as I am chairing a meeting of south end residents of Stamford this evening, I cannot attend the hearing on bill No. 7878. Accordingly, I have asked Susan Brewster, Director of the city of Stamford to read this statement for the record of your proceedings and appreciate your extending the opportunity to her. Enactment of reasonable controls for the management of land use and development activity in coastal areas is long over due, and I extend my appreciation to all of those who have worked so hard to bring up the language contained in bill 7878.

However, having reviewed the bill, I have several areas of concern which I wish to share with you. If the bill were adopted as proposed, it appears that the management of coastal areas would be shared by planning commissions and zoning commissions. My 27 years in the planning profession tell me that it is unrealistic to propose that two separate agencies can administer such laws. It is my view that the very involved, such as planning commissions, zoning commissions, local legislative bodies and the state could adopt whatever regulatory tools may be required for management of coastal areas. This management could then be assigned to one entity for overall control. To take this a step further, it's my view that the bill is primarily to control environmental the most appropriate agency would be an environmental protection group, where such boards exist in the coastal regions of Connecticut.

Environmental protection boards would refer to planning commissions and zoning commissions the for coastal area permits, and said agency provide a written recommendation for such environmental protection laws, which recommendations could either be advisory or preferably

MS. BREWSTER: (continued)
have some binding control, wherein recommendations for denial could only be overidden by a significant (inaudible). The 1978 decision of the Supreme Court of the state of Connecticut in the case of Bruce Carpenter et al vs. Planning and Zoning Commission in the Town of Stonington, and implied that the same commissions approving development have only three options under state statutes. Approve, modify and approve, or disapprove. The significance of the decision was that the court found that the same planning commission could not approve conditionally, section 11E, lines 1071 - 1072 include the language improve, modify, condition, or deny the activity. Section 12B, line 1109 and 1110 reference to approving, modifying or denying a coastal plan, and section 12E, line 1113 mentions only approving any activities proposed.

The point is that there is not only inconsistency in these proposed sections as written, depending on the authors knowledge or lack of knowledge of zoning or maybe substantial impediment to adoption of the bill as written. Section 15G authorizes that a legislative body may delegate it's responsibility for site planning to a special district exercising zoning authority. I can appreciate that in those lack of planning or zoning commissions, this language may be useful, however, where planning or zoning commissions exists, I believe that the adoption of 15G would be and not in the best interest of implementation of community goals and objectives for comprehensive planning.

At every opportunity today, given to testify on the evolution of the current bill, I have pointed out that there seems to be inherent the opening of the shorefront for the use of the inland inhabitants of the state. The appropriate language to link state highways to provide access to such waterfront use. such provisions inherent in Bill 7878. I have consistently testified in the past and I say again that those who are may not be prepared for it, are willing to accept the of the increased traffic and ancillary developments highway designs to improve waterfront access.

The City of Stamford's Master Plan modified and developed in 1977 did not envision decreased waterfront bound traffic or use except by the

MS. BREWSTER: (continued)
My point is that certain language in bill 7878 could be used to disadvantage by those proposing development activities having adverse impact on the waterfront, but plain incompliance with the bill.

I believe that Section 12A, stating that a municipal Board of Commissioners in viewing a corporate site plan shall determine whether or not this may have an adverse impact or whether the proposed activities are acceptable. If they, if it's impossible to reach an agreement and would lead to court challenge a decision is rendered.

Lastly, the bill authorizes the commissioners to provide a maximum of $2,500 per year for local communities to assist in the administration of these laws. It would be my guess that there could be -- there well could be cases where the amount of money could be used up in legal notices alone.

You will be dealing with cases that are not in the norm and with environmental under by a relatively small number of . The amount of $2,500, I believe, would be woefully inadequate to assist in the defense of any hardline determination for approval or denial of environmentally sensitive proposals. Thank you.

REP. GLICKSON: Questions? Thank you. The next speaker is Rhoda Jenkins?

RHODA JENKINS: My name is Rhoda Jenkins, I live on Steamboat Road in Greenwich, Connecticut and I'm a member of the Board of the Greenwich Harbor Neighborhood Association although we have not directly assessed this. I am referring here to the question of major new airports.

Now this is page 9, line 33. You disallow construction of major new airports and discourage substantially the extension of smaller ones. But it doesn't say anything about small new airports and it also doesn't say anything about helicopters and in Greenwich we have a problem with helicopters and what do you do about a landing pad with a friend hovering over, in this boundry area?

They're not allowed to land on land but in this particular case they built a dock out and find, you know a big copter to whether that comes, is something that the town

MS. JENKINS: (continued)
can control or not, but the fact remains that it's small in comparison with major new airports. But the people around there, the noise, the odor of the fumes and that sort of things constitutes a major problem, and really there doesn't seem to be any very definite thing here.

I mean major new airports is one thing, but small violations, or small infringements aren't covered here. Have you considered the question of helicopters in the border area?

REP. BELAGA: I don't think anyone actually broached the subject of helicopters, but if somebody were going to build a launching -- or what do you call them? Launching pad? I don't know what you call them for a helicopter, on the coastline in the 1000 line, they would have to now, if this bill were in place, would have to come to the Planning and Zoning commission with a site plan. And if, indeed it affected and impacted that area there would be reason to turn it down but if it was perfectly buildable land and there was no problem in terms of the impact on the land, then they could get a permit.

MS. JENKINS: They would not allow it on the land.

REP. BELAGA: I thought you said he was going to build a thing..

MS. JENKINS: Well, he's got this jetty going out that he's been reinforcing and he's landing there, you know this... One can do all sorts of things with helicopters. You are not covered with this major airport thing.

REP. GLICKSON: If they can bring the helicopters down without having some structure on the ground then you don't, strictly speaking, have a land use regulation problem within the scope of this bill and you'd have to fight it out with the Department of Transportation.

MS. JENKINS: You mean the Department of Transportation would not be covered by regulations here. It's still an individual fighting it rather than CAM helping you fight it.

REP. GLICKSON: It's a question of whether anything has to be done to the land or to the land and the water, if a jetty is built.

MS. JENKINS: I would hope that some of the problems of inter-agency things would be covered by CAM so that the individual citizen would have some protection against all the many Federal agencies that have their meetings at different times in different places and advertise in different papers so you don't know what's going on.

REP. SERRANI: If you're having a serious trouble with the heliport right now, just give me your name and address and I'll talk to you further.

REP. GLICKSON: Thank you. Charlene Bergstrom, please.

CHARLENE BERGSTROM: I'm Charlene Bergstrom, Executive Secretary and Legislative Officer for the Connecticut Marine Trade. Allen Berrien has given you our position at length. Several members of this Committee heard my statement in Hartford earlier today and it is on record so I won't make you go through it all again.

As you're aware, we strongly support this bill for many reasons. There are more demands for the shorelines than can be reasonably dealt with in addition to water related use, there are those who want to continue setting up housing developments, oil depots, warehouses, condominiums, industrial plants, all manner of things that do not need the coastline for their existance.

We in the Marine Trades especially appreciate the direction in this bill that water dependent facilities, whether commercial, industrial or recreational be given priority treatment on all levels of government.

Federal approval of this bill will bring along with it the funds for the municipalities to solve their problems, come up with their own solutions within the guidelines that fit in best with their own plan of development, and guide their own shorelines. It will allow them to satisfy local needs without unacceptable sacrifice of regional, state or national needs.

We strongly support the protection provided by the Marine and coastal habitat, such as natural features such as wetlands. We appreciate the dredging provisions and the streamlined process.

MS. BERGSTROM: (continued)
Again, we want to thank you for the time and commitment that you've given this bill. We appreciate the emotional and political pressures that are involved in your decision and know you'll do what's best for the future of Connecticut's shoreline and its citizens.

REP. GLICKSON: Thank you. The next speaker is Mr. Baugh?

E. G. BAUGH: My name is E. G. Baugh, I'm a member of the Conservation Commission of Darien and I've got a short formal statement I'd like to read.

On behalf of the Planning and Zoning Commission and the Conservation Commission of the town of Darien, I would like to extend my support of this bill. In the past, these two commissions have expressed their agreement with timing, purposes and policies of the Connecticut legislation, but have had serious reservations on many of its procedures which were being advanced to implement and uphold them.

It's noted, however, that the current version incorporates the modifications, especially in terms of maximizing local involvement and control over your development and administration of the coastal area in land development programs.

The currently proposed approaches appear to us to be set forth in a reasonable manner and would seem to be workable. Accordingly, we endorse this bill and hope that necessary action and resources now become available to permit this vital program to be carried out. Signed Frank Anselmo, Chairman Planning and Zoning; Virginia Overland, Chairman of the Conservation Commission.

Not withstanding this formal statement, I would like to raise one concern of the Conservation Commission. This has to do with the rivers that lead into the coastal areas which we are development our regulations and planning for.

It seems to us that many of the pollutions that end up in Long Island Sound come from unsupervised activities on the rivers which lie outside the coastal zone but feed into the coastal zone. We're concerned that any activity in the nature of development, fill or discharge whatever on any river feeding into Long Island Sound should require some

MR. BAUGH: (continued)
kind of environmental impact statement and perhaps be reviewed by the local CAM. Looking through this hurriedly I don't see specific reference to such situations but I wanted to bring that to your attention.

REP. GLICKSON: Mr. Agnew.

RAY AGNEW: My name is Ray Agnew, I represent the Greenwich Audobon Society, an organization of 1,200 family members. We are in favor of strong coastal area management legislation to support conservation of Connecticut's coastal resources. For too long have we developed, polluted and other degraded our coastal zone. Estuaries, marshes and other coastal parts are amont the most productive areas for breeding and feeding countless species of fish, and mammals. Coastal areas are valuable too for recreation purposes. I want to thank the Committee for letting me speak and congratulate them on all the work you've been doing in this tough problem.

REP. GLICKSON: Thank you. Mr. Uppon.

CHARLES UPPON: My name is Charles Uppon, I'm with the Conservation Commission of Greenwich, I'm the Vice Chairman. Our commission has not had a chance to act on this officially but I think I can say without fear of contradiction and by previous discussions on the subject (inaudible)
guidelines and policies and standards

REP. GLICKSON: Thank you. Is there anybody who wishes to speak who didn't sign the sign-up sheet?

TOM GARDELLA: I'm Tommy Gardella from Norwalk, I'm and also very concerned. I came tonight not knowing whether I should speak for or against this and I've certainly heard a lot of things that raised a lot of questions.

I did get a copy of this bill today but I read it although I didn't have a chance to really study it. I did have a coupld of questions that perhaps I can get an answer at a later date if I give you my address. Someone said that it was very important that we have this bill and I want to know

MR. GARDELLA: (continued)
what's going to happen if we don't adopt it? I don't have to have the answer right now, but it seems to me we have plenty of rules and regulations already and I don't see the reason for it myself at this point.

Someone else said it's a start. A start for what? Does this mean that this bill is just going to go in and then they're going to keep adding to it? And this is the foot in the door and before you know it there's going to be a whole lot more regulations? If not, I think we should delay the bill until such time as the whole thing is done.

Someone said that if you want to get some work done, dredging and so forth, that it will make it easier to get the bill. I couldn't find in my copy of this bill where it says that some other authority is going to relinquish authority and CAM is going to pick it up and if you go there you're going to get express treatment, you might say. I couldn't find that in the bill.

Someone else said the tip of the iceberg, only 9/10ths of the bill has not been shown yet. Is that a fact? I mean I want to know how much of the bill don't we see.

Someone said the City of Stamford, I didn't know this, but more planning is needed. I didn't quite understand it. Those are just a few of the questions that I have. I just know that over the years everyone that's tried to do anything along the waterfront has been faced with a tremendous amount of paperwork. I don't know if this is another of bureaucracy or actually it's a way of expediting. (inaudible) I can't see any recent history around Norwalk where there has been abuses to the waterfront.

I know that many of the ecologists are concerned, and rightfully so, but I think that we have to think in terms of the human beings who are alive today and living and sometimes we get carried away with birds and the beasts and not worrying about people. Thank you.

REP. GLICKSON: Thank you. Questions?
More speakers?

JOHN HAYS: My name is John Hays and I'm a planning consultant and I've had the privilege of working with the Southwestern Region, planning region two years ago.

MR. HAYS: (continued)
I'd like the opportunity to express my strong support for the legislation. I think it has inherent strength. First it has a balanced approach to our diverse competing and conflicting interest of the coastline which have been very apparent to anyone who's done a technical study of the problems along coastal areas, has as many problems as this one has.

Second, I think it has important environmental emphasis which to successfully address the problems which we in this area. Third, regulatory and addresses the problem by assigning responsibilities at the local level. Finally it has administrative good sense, and involves local decision-making boards.
I would like to add a little bit of support to the comments made by Mr. Carpenter in his earlier remarks concerning the referral of town line site plans to regional planning agencies. I think that has merit because there are indeed conflicts (Inaudible)

REP. GLICKSON: Are there any further speakers? If not, in closing I want to thank everbody. I haven't sat through as many of these CAM hearings as most of the other members of the Committee, but compared to a lot of the public hearings we have had, I think the comments were relatively brief and relatively well-focused, and I thought it was very informative. Thank you all for coming.

MAYOR
LOUIS A. CLAPES

COMMISSIONER OF FINANCE
OSCAR A. HOFFMAN

1456

CITY OF STAMFORD, CONNECTICUT 06901

March 26, 1979

Environment Committee
General Assembly
State Capitol
Hartford, CT 06115

Gentlement:

I am writing to you tonight since I am unable to be with you personally, however, I wanted to indicate my support for the Coastal Area Management Program. The need to continue comprehensive planning for our State's coastal resources is critical. Such resources are limited and it is important to plan for their development in a manner that maximizes their potential. The utilization of coastal lands for industrial, commercial, residential or recreational needs must be carefully considered, as a commitment to one use often prohibits a change to another.

Our City has been fortunate to receive monies from the Coastal Area Management Program to undertake comprehensive urban waterfront planning. I have found the staff to be knowledgeable, cooperative and supportive of our efforts and almost as excited by the studies as we are.

I would urge your Committee to support this important program and to appropriate the necessary funds to continue the establishment of an overall coastal area management program. Connecticut's future development (both State-wide and for each municipality) is dependent upon sound, responsive planning and managment. The Coastal Area Management Program is a vital component of such planning.

Sincerely,

Louis A. Clapes
Mayor

LAC:SB:spj

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COMMISSIONER OF FINANCE
OSCAR H. HOFFMAN

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STATEMENT OF JON A SMITH, PLANNING & ZONING DIRECTOR - MARCH 26, 1979

TO: ENVIRONMENTAL COMMITTEE OF THE GENERAL ASSEMBLY

1458

RE: COMMITTEE BILL 7878, AN ACT CONCERNING COASTAL MANAGEMENT
7979

Inasmuch as I am chairing a meeting with South End residents of Stamford this evening, I cannot attend the hearing on Bill No. 7878 Accordingly, I have asked Michael Pavia, Executive Director of the Environmental Protection Board to read this statement into the record of your proceedings, and I appreciate your extending the opportunity to him.

The enactment of reasonable controls for the management of land use and development activities in coastal areas is long overdue and I extend my appreciation to all those who have worked so hard to bring us to the language contained in Bill 7878. However, having reviewed the bill, I have several areas of concern which I wish to share with you.

1 - If the bill were adopted as proposed, it appears that the management of coastal areas would be shared by planning commissions and zoning commissions. My 27 years in the planning profession tell me that it is unrealistic to suppose that two separate agencies can administer such laws. It is my view that the various entities involved such as planning commissions, zoning commissions, local legislative bodies, and the State should adopt whatever regulatory tools may be required for management of the coastal area, which management should then be assigned to one entity for overall

control. To take this a step further, it is my view that since the bill is primarily to control environmental impacts, the most appropriate agency would be an environmental protection board where such boards exist in the coastal communities of Connecticut. Environmental protection boards could refer to planning commissions and zoning commissions proposals for coastal area permits and said agencies could provide their written recommendations to such environmental protection boards, which recommendations could either be advisory or, preferably, have some binding control wherein recommendations for denial could only be overridden by a significant vote of the controlling agency.

2 - A 1978 decision of the Supreme Court of the State of Connecticut in the case of Bruce R. Carpenter Et Al vs. Planning and Zoning Commission of the Town of Stonington Et Al emphasizes that planning commissions approving developments have only 3 options under State Statutes, i.e., to approve, modify and approve, or disapprove. The significance of the decision is that the court found that the Stonington Planning Commission could not approve "conditionally". Section 11E, Lines 1071 and 1072, include the language "approve, modify, <u>condition</u>, or deny the activity". Section 12D, Lines 1109 and 1110, have reference to "approving, modifying, or denying ;" a coastal site plan, and Section 12E, Line 1113, mentions only "approving" any activity proposed. The point is that there is not only an inconsistency in these proposed sections as written but, depending on the author's knowledge or lack of knowledge of the Stonington case, there may be substantial

impediments to adoption of the bill as written.

3 - Section 15G authorizes that a "legislative body may delegate its responsibility for site plan review to a special district exercising zoning authority...." I can appreciate that in those shorefront communities lacking planning or zoning commissions, this language may be useful. However, where planning or zoning commissions exist, I believe that adoption of 15G would be dilatory and not in the best interest of implementation of community goals and objectives or comprehensive planning.

4 - At every opportunity to date given to testify in the evolution of the current bill, I have pointed out that there seems to be inherent the opening up of the shorefront to the use of inland inhabitants of the State and appropriate language to link State highway improvements to provide access for such waterfront use. Clearly, such provisions are inherent in Bill 7878. I have consistently testified in the past, and I say again, that those shorefront communities may not be prepared for, or willing to accept, the brunt of increased traffic or the impact of ancillary development spawned by highway improvements designed to improve waterfront access. Certainly, Stamford's Master Plan modified and adopted in 1977 does not envision increased waterfront-bound traffic or use except by the Stamford community.

My point is that certain language in Bill 7878 could be used to advantage by those proposing development activities having adverse

impact on the waterfront, by claiming compliance with the bill.

5 - I believe that Section 12A, stating that "a municipal board or commission reviewing a coastal site plan shall determine whether or not the potential adverse impacts of the proposed activities... are acceptable" is vague, impossible to reasonably administer, and would lead to court challenge of decisions rendered.

6 - Lastly, the bill authorizes the "commissioner" to provide a maximum of $2,500 per year to local communities to assist in the administration of these laws. It would be my guess that there could well be cases where that amount of money would be used up in legal notices alone! We will be dealing with cases which are not the norm and with environmental issues understood best by a relatively small number of emerging experts. The amount of $2,500, I believe, would be woefully inadequate to assist in the defense of any hard-line determination for approval or denial of environmentally-s___itiv_ p__p__al_.

JAS/fm

c : Mayor Cl_pes
Mr. Richard Carpenter

SEN. SKOWRONSKI: Thank you very much, Mr. Keefe. Our next speaker is Chris Rondeiro from Hamden.

MR. RONDEIRO: I'm Chris Rondeiro from 5 Hilltop Road in Hamden. Thank you, Mr. Chairman, for allowing me to speak now since I have another meeting to attend. I have been conversant with the development of the tide lands and the coastal areas in the state and I have been at meetings before because of my interest of long standing on the subject. I'm also a member of the conservation commission in Hamden and have responsibility for inland waterways and water courses. As you probably know from tide lands along the state invariably has a meaningful interest with the water courses that the state or enter in the state and eventually end up in the tide lands of our coast. And many of the areas that are affected by these acts are part and parcel of the flooding commission that we find in rivers that eventually go into the tide lands in the coast line.

I find that in the development of this act, no mention is ever made of the involvement of the conservation and other environmental commissions in towns as the responsibility of taking care and supervising and handling the question of land that are even adjacent or part and parcel to this coastal development. And it seems to me that the complete responsibility in the towns, the planning and zoning without involving the conservation commissions or other commissions, environmental commissions in the towns that are vitally involved in this subject is not very wise. And I would like to recommend to the committee that perhaps you could include the conservation commissions or other commissions that have that responsibility together with planning and zoning. (HB7878)

If not the full responsibility for the development of the plan, of the development in the towns, at least as an advisory group. Thank you very much.

SEN. SKOWRONSKI: Thank you. Are there any questions from members of the committee? Representative Belaga.

REP. BELAGA: Mr. Rondeiro, does your agency handle the inland wetlands?

MR. RONDEIRO: We do.

REP. BELAGA: You do handle the inland wetlands. Well there is a provision in here that, then if coastal plans is developed, then it must be in conjunction with all of those programs - inland wetlands, structured, ordinances , so that there is certainly in place here provisions that would,

REP. BELAGA (Continued): I would assume would have to incorporate the thinking of conservation commissions. Members of -- in my community of conservation commission deals with the inland wetlands and is an advisory agency in planning and zoning commission.

MR. RONDEIRO: I agree, but we here in town do not act as an advisory to planning and zoning. They have the perfect right to ignore us if they so desire. The only thing that we do have is a mandatory requirement that all of those properties that involve, either a water course or a wetland must come before us. But as far as dealing in any planning, having to do with coastal lands or even any of the areas adjacent to areas that are affected by either water courses or wetlands, we are not involved. And I think that in this overall planning for the coastal areas, I think it would be wise if the conservation commissions were somewhere involved in the planning of these coastal areas.

SEN. SKOWRONSKI: Thank you. Just a comment. I believe that basically as a matter of law in the State of Connecticut that the planning function by statute is delegated for the planning commission. That I think as Representative Belaga said, if you look at Section 10 and you're talking about the municipal coastal program, there is language in there that would seem to indicate that various municipal bodies may have input into the formulation of a coastal plan. I think the site plan review pretty much will be with the planning and zoning commission, but the coastal plan may have input from the various municipal agencies.

(BACKGROUND VOICE INAUDIBLE).

SEN. SKOWRONSKI: Thank you. Our next speaker is John Baker.

MR. BAKER: Thank you, Mr. Chairman. It's awfully nice to be here with the Environmental Group tonight to talk about one of the things that's been posed to me for the last 4½ years. Bill No. 7878, coastal management. To me, I better identify myself first. I'm John Baker, Division C for the Agricultural Division, State Department of Agriculture. I am here on behalf of the Commissioner of Agriculture who is also in agreement that this bill should be passed. As you know, Connecticut now is getting to be one of the major producers of shellfish in the State. In order to continue to be a major producer for both recreational and industrial shellfish, this bill has to be passed because it is of great value in protecting the wetlands and mud flats that those areas that are so necessary to keep our water quality in good condition and also this bill will aid in the preservation of other natural resources such as lobsters, crabs and little finfish. We urge that this bill be passed because it is a good one and it will do tremendous things for the State of Connecticut. Thank you.

SEN. SKOWRONSKI: Thank you very much. Any questions? Next, Mr. Kenneth Neff, City of Milford.

MR. NEFF: Good evening, Mr. Chairman. I'm Kenneth Neff. I'm a resident of the City of Milford. I'm also the Chairman of the Milford Harbor Commission. I'm here really basically to urge your support of this Bill 7878 for all the good things that are very clearly spelled out in it and I'm sure have come before your group, as an example to Mr. John Baker just a moment ago. I'd like to point out to you that the City of Milford's Harbor Commission is working, I'd say very diligently right now to prepare a plan for Milford's harbor. We have a responsibility for the Harbor. We do not address ourselves to as large a scope of activity as, of course, the coastal area management does. We see the coastal area management efforts as not an extinction but something that will be combined with our efforts in the harbor and we're working very closely with our planning people and it's interesting to see the concern about working with the planning people. We in the Harbor Commission are developing our plan in conjunction with the city plan and the city planning and zoning efforts.

We strongly urge you to support this. It's necessary. It's full of all the good things that are necessary to allow good use, long term use through planning in fairness to all parties who look to the coastal area for livelihoods and recreation. Commercial fishermen, the recreation people, even including the developers, it's necessary that good guidelines be laid down for good, long term, sound planning. Thank you very much.

SEN. SKOWRONSKI: Mr. Neff, one question from me. Are you here officially representing the Harbor Commission for the City of Milford?

MR. NEFF: I would have to answer as both yes and no. I was asked
Belt #2 to go to a hearing in Bridgeport that I could not make. I learned of the hearing here in Hamden. I've come instead here to Hamden.

SEN. SKOWRONSKI: Are you then saying that, when you say you favor the bill, that you are saying that in your capacity as a member of the Harbor Commission of the City of Milford and that the Harbor Commission of the City of Milford wishes to go on record supporting this bill?

MR. NEFF: I am, Mr. Chairman.

SEN. SKOWRONSKI: Thank you.

MR. NEFF: We discussed it at length. We have a very active member of the coastal area management group. Our harbormaster who

MR. NEFF (Continued): we've had in for advice and consultation and pretty full discussion of this.

SEN. SKOWRONSKI: Thank you. Are there any questions? Thank you very much. The next speaker is Gerald Sirkin.

MR. SIRKIN: My name is Gerald Sirkin. I live in Sherman and I would like to speak in support of Bill 7849, a bill which is intended to protect towns from having the wild and scenic river act imposed upon them. This is particularly relevant at the moment to towns on the upper Housatonic River who may find themselves being designated under the laws in the Scenic Rivers Act. People in those towns who are aware of the nature of that Wild and Scenic Rivers Act are concerned that control of the development along the river will become a federal matter and they are worried about the way that the federal government handles such developments. There is a very basic difference between the interests of the town and interest of the federal government. Particularly the National Parks Commission in handling those lands.

The federal agencies are a great deal less interested in preserving and conserving the land along the rivers than the people in the towns are. Therefore, it is I think undesirable to have that act imposed on any town without that town's consent. The act provides that the act cannot be imposed on towns without approval by each town. I think that one must agree that the towns ought to have a control over whether or not they are to be designated under that act. The act as proposed is not quite the protection it ought to be. I think our next speaker will make a suggestion for improvement. Thank you.

SEN. SKOWRONSKI: Thank you very much. Are there any questions? The next speaker is Natalie Sirkin.

MRS. SIRKIN: Good evening, ladies and gentlemen. My name is Natalie Sirkin. I come from Sherman. We thank you very much for raising Bill 7849 which was raised at our request. Earlier, we were asked to specify -- speakers were asked to specify if they represent anyone. I do not represent anyone officially. On the other hand, I think I can tell you from my informal survey up and down Housatonic River and the Shapoug River, are involved, that the people very much do not want to see these rivers pass into federal control. And that unless this commission, unless this committee and the General Assembly takes action as suggested by this bill, the control of the river will pass under the waters of the city for this act to the National Parks Services and become a national park. The bill as it stands now is perfect for 3 towns. For the towns

MS. BUCK (Continued): affected towns and the 5 Shapoug towns also affected will see their portion of the Housatonic and the Shapoug designated as coming within the Wild & Scenic Rivers system and must into this bill and I think you should try to save from this bill to better protect people of those towns. I would like to add that I have strong support comments made by the previous speaker, Natalie Sirkin and I thank you for your time.

SEN. SKOWRONSKI: Thank you. Any questions? The next speaker is Henry Suhrke. It appears that we may have left out a vowel or two here.

MR. SUHRKE: My name is Henry Suhrke and I'm a resident of Bridgewater. Bridgewater has the Housatonic running on one of its borders and I would like to speak on behalf of Committee Bill 7849 and also associate myself with the comments that have been made before. Although Bridgewater is not at the moment concerned and the federal agencies apparently don't particularly want to have us in the wild and scenic system, nevertheless, this bill would provide protection for the town in case some such desire ever did arise and I think it's very worthwhile. I should also like to associate myself with the amendment that was suggested by Mrs. Sirkin. And which I think would be very helpful. Thank you very much.

SEN. SKOWRONSKI: Thank you very much. Questions? The next speaker is George Jafferis.

MR. JAFFERIS: I don't know which bill I'm here to speak on. I wasn't aware of this 7849. I'm an avid hiker and have used this area, Shapoug and Housatonic. It's been very interesting hearing the comments here tonight. And I can understand the concerns of the town's people. Our New Haven Hiking Club will be up in Roxbury this Sunday. Walking on country roads and I hope to see the welcome sign out. My name is George Jafferis. I'm here representing the Friends of the Tidal Marsh. We are New Haven based environmental group dedicated to the preservation of our harbor tidal marshes and mud flats. Since 1972 we've been an active local environmental watchdog group snapping away at the private developers and city planners as they attempt to fill our wetlands and mud flats on money and tax making schemes at the expense of our natural resources. From the $30 million Point West high rise apartment towers to the current Mort Sales Commercial Condominium complex at City Point. Our group has witnessed the attack of our fragile coast line resources over the past several years. As a result of our experience, we endorse the present Coastal Management Act bill. We need action and we need it now. Because our environmental resources are being destroyed. Because the quality of life in

MR. JAFFERIS (Continued): our coastal zone has declined over the past decade. Let me quote from the tenth Annual Environmental Quality Index Study of the National Wildlife Federation. The country's largest non-governmental conservation group. Between 1969 and 1979, air pollution down. It's probably the most serious threat to our environment. Most Americans live in areas where it's still unsafe to breath. And with many power plants and factories now converting from oil to coal, holding the line on clean air standards, is becoming more difficult. Soil erosion, down. It has accelerated as more protective grass land has been plowed up. These sediments are clogging up our rivers and harbor channels. Living space, down. The public was aware of living space problems 10 years ago. The decay of center cities, suburban sprawl, traffic congestion, noise pollution and garbage disposal.

However, Americans were only dimly aware that the direct causes of these problems were the population explosion and poor land use planning. Today only 6 states have developed plans for zoning and managing their fragile coastal areas. Water quality. Down. Virtually every stream, river, lake and estuary in the country is polluted, so the 1969 EQI report. Despite strong federal control, only limited resources -- only limited progress has been made. We've only recently realized that rain runoff is responsible for more than half of all polluting compounds entering the nation's waterways. It's a gigantic problem. We've only began to attack it, concedes one Environmental Protection official. Let me briefly describe what's close to home, what has happened to the state's tidal wetland resources.

Out of the original 40,000 acres, 15,000 remain. Governor John Dempsey warmly received a highly respected report by William White proposing that program of positive action to preserve and develop Connecticut's natural resources. On coastal wetlands, Mr. White writes, 17 years ago, here is one place where speed is imperative. The marshes are going fast, compared to regular land, their cost is still so cheap that the speculative pressures for diking or filling them had become critical. There is no question about the specific action needed, acquisition. But there must be an old law plan; obviously, there is going to have to be some development of the wetland areas but where? There is an urgent need to establish a general policy on shoreline development. We are still without a plan. As a result, over 2,000 acres of tidal marsh were lost between 1955 and 1965. 13% of our total acreage. The figures from 1965 to 1975 are probably even greater. And I was unable to obtain these figures from the Department of Environmental Protection. The right proposal for action called for the state to buy 15,000 acres of tidal marsh by 1971. To date, only one large purchase of tidal marsh

MR. JAFFERIS (Continued): has occurred since 1962 and that was just last year when the Department of Environmental Protection bought 500 acres of the Great Quinnepiag marsh here in Hamden
Belt #4 from the Penn Central Railroad. The coastal city of New Haven needs a strong coastal area management plan. And it needs it now. They actually needed it 20 years ago. There's 200 acres of tidal mud flats were being filled for the Connecticut freeway and the long wharf commercial complex. Since our environment and coastal issues, especially in the area of tidal marsh and mud flat preservation, we have seen our harbor resources restored by private developers, city planners and redevelopers. From the Schiavone Company located right off I-91 in the North Hamden -- North Haven, New Haven town line, he legally filling in a section of tidal marsh 2 years ago to the Restaurant. Which still is tied in court for the illegal fill dumped in Morris Cove. The greatest loss to the people of New Haven is the long overdue and much needed sewage treatment plant. As more raw sewage pours into New Haven Harbor, the City of New Haven continues to resist the efforts of the United States Environmental Protection Agency to relocate the existing city sewage treatment plant to a better site, a new site would eliminate the need to fill 17 acres of important inter-tidal mud flats from our eco system.

Our political leaders refer to increase the tax based by developing all other available sites along the harbor for commercial complexes, high rise apartment towers, condominiums, and now a showcase gambling house right at the edge of Long Wharf. This anti-environmental attitude is not only detrimental to the quality of life in New Haven citizens, however, will prove disastrous to their pocketbooks. We are already paying through the nose for the environmental blunders of the developers and city planners. Other crucial coastal issues need a statewide management plan such as dredging. As you know, the Huntington community in Long Island has brought litigation against the Army Corps for the Stamford, New Haven dredging project. Beach erosion. Any day pick up the evening paper and you'll read about local citizens crying out what is being done to their beaches. What is being done to prevent houses from falling into New Haven Harbor. This pertains to an article yesterday. I was in the Morris Cove area.

Flooding. And they say any more about that problem. Recreation expansion. Sedimentation. We have studies to death the various problems and needs of our coastal towns. Senator Ribicoff obtained $3.5 million of federal funds for a 4 year study of Long Island Sound. Since the study was completed, little if any action was taken to solve the various problems facing our coastal zone. Once again, we need action and we needed it

MR. JAFFERIS (Continued): yesterday. Pass this bill and let's get started. It's already too late. about the bill itself, I'm not totally at ease with it. One being the power that it's going to put into the hands of city officials. Mr. McGurty, John McGurty, our Head of the City Planning Department has just walked in. You could clear some later in the evening about his opinion of mud flats. It's always ranked a very low spot on his agenda. But I'm willing to go along with the plan to give these cities the power in helping out and designing a good coastal management. I'd rather have a plan than no plan at all. And I'm sure that we could educate not the general public so much, but those people who are in a position of power that are really affecting what is happening in Connecticut's shoreline. Thank you.

SEN. SKOWRONSKI: Hold on, George. We have a question.

REP. ALLYN: I'm curious. You mentioned the long wharf development. I'm not too familiar with that, but I understand there is more work to be done on a particular proposal?

MR. JAFFERIS: Yes. There is a -- well, you could ask John here about that. There is all of what I've heard will not include filling in of any more tidal mud flats or wetlands in that area. That will be done on existing land.

REP. ALLYN: Oh, I heard there was provisions for doing some dredging and creating an island or something like the harbor.

MR. JAFFERIS: Nothing specific. Of course, we've heard various plans coming through. We've restricted our attention to those that are on the drawing board like the North Sales project.

REP. ALLYN: OK. Thank you.

SEN. SKOWRONSKI: Thank you very much. Next speaker is Frieda Clayton.

MS. CLAYTON: I'm Frieda Clayton from the Friends of the Tidal Marsh. I support this GM bill wholeheartedly as far as it does. But I think it is unrealistic and not being of the legislators to put the power to manage this bill into the hands of the municipalities. They couldn't care less about the coastal waters. All they're interested in is . And in for instance, in the case of New Haven, in every single instance, where developers wanted to fill in mud flats and tidal wetlands, they were 100% behind the developers. They wouldn't care if the whole was as long as they could get the money out -- as long as they could get money out of it. And I want to know what safeguards have been put into this bill so that the municipalities can give developers

MS. CLAYTON (Continued): permits to do this or to let them build within the . Will the developers still have to have a permit from the DEP and permits from the Army Corps of Engineers. Somebody answer that.

REP. ALLYN: At the present time, they have to get to fill in tidal wetlands and water they have to get a permit from the State and the DEP. As far as the land -- the tidal wetlands. They have to get a permit from the State at the present time.

MS. CLAYTON: And what about the mud flats?

REP. ALLYN: If it's tidal mud flats, they have to get it from the State.

MS. CLAYTON: Mud flats from the Army Corps of Engineers.

REP. ALLYN: Not from the Army Corps of Engineers, from the State.

MS. CLAYTON: No, from the Army Corps of Engineers for mud flats.

SEN. SKOWRONSKI: What we'll do --

MS. CLAYTON: At the present time, the developer has to get a permit from the State for tidal wetlands. But for mud flats he has to get it from the Army Corps of Engineers. Now I want to know when this bill goes through, will the city be allowed to give the permit and the right to go ahead or is there a safeguard built into that that it would still have to get a permits from the DEP and the Army Corps of Engineers. Because if there is, I want to know what page it's on. I read that whole thing.

SEN. SKOWRONSKI: If you'll just give us a moment. I think it's one of the latter sections. Where they talk about coordinating the various permits. OK. I think if you look on page 36, line 1411 through 1415.

MS. CLAYTON: I think I read that and it's very indefinite and it didn't mention anybody. It's very indefinite.

SEN. SKOWRONSKI: If you look at all of Section 22, beginning on line 1387, it talks about the commissioner coordinating the activities of all regulatory programs under his jurisdiction. With permitting authority in the coastal area and that's to include wetlands and water courses, stream encroachment, erection of structures, placement of fill in tidal, coastal or navigable waters, removal of sand and gravel, etc. etc. Now, mud flats, it's not an area which I'm personally familiar. We could -- I would assume they might be covered here. But we

SEN. SKOWRONSKI (Continued): could get a definite answer for you.

MS. CLAYTON: Could I get an answer whether they're going to have safeguards to keep the municipalities from going wild?

SEN. SKOWRONSKI: I think we can satisfy your concern right now. We have here an Art Roche who is a coast -- head of the coastal area of management staff. He'd be in a position to answer that.

MS. CLAYTON: OK. Thank you.

SEN. SKOWRONSKI: Hold on. Art, why don't you come up to the microphone. You can make history.

MR. ROCHE: Art Roche, program manager of the Coastal Management Program in DEP. Mud flats are currently regulated by both the Army Corps of Engineers and the State under the State structures and navigable waters, under Section 25-15 or thereabouts, it's 25 of the General Statutes. And by the Corps of Engineers. Under Coastal Management, they would be regulated by both entities as well except that the goals and policies that you see in the beginning of the bill would pertain to those decisions. In other words, water depending uses, etc.

SEN. SKOWRONSKI: Thank you. Basically, then, Ms. Clayton, under the proposed legislation, the State and the Army Corps of Engineers would still have jurisdiction over those areas, as well as having the additional requirements of this legislation. The next speaker is Margaret Markert.

MS. MARKERT: I'm Margaret Markert from Hamden. And I'm here this evening to speak in support of raised Committee Bill 7878. Coastal area management presents a unique opportunity to preserve what we need of our undeveloped shoreline and our wetlands before it is too late. Before it is completely destroyed. It's important to bear in mind that Connecticut is the fourth most densely populated state in the country. We all know what the goals of developers and industries are. It boils down to whatever the bottom line. If ever given free reign, there would be approximately zero likelihood of any attention to aesthetics, to marine biology, to wetlands preservation, or even to unrestricted recreational use. By speaking about the irreversibility of these decisions, I would ask you to consider

MS. MARKERT (Continued): Please consider a very extreme example.
Belt Suppose the first time, a steel mill would be given
#5 permission to build right on the shore. Think of the pollution, the amount of damage that it has done and suppose then, ten years later, people decided to change their minds about having given a permit and wanted to clean it up. Well, it couldn't be cleaned up in ten years, it couldn't be cleaned up in a hundred years. Never. The fish would die, the entire land area would be destroyed.

I am only asking that we maintain the most pristine condition as possible, with the shore land that we have now, with environmentalists represented in making regulation Even if this means a certain curtailment of what is known as local control. Thank you.

SEN. SKOWRONSKI: Thank you very much, Margaret. Any questions? Thank you. Good seeing you here Margaret, it wouldn't be a public hearing but if you were in attendance. Janet Keene is our next speaker.

MS. KEENE: Good evening, my name is Janet Keene, I am speaking on behalf of the Connecticut Fund for the Environment, a non-profit, statewide legal action group organized to preserve Connecticut's environment. The work of CFE is supported by over 500 members throughout the state.

CFE would like to take this opportunity to comment upon the proposed draft of the coastal management bill soon to be submitted to the General Assembly. It is hoped that in expressing its concern over the development of a sound coastal program, CFE can be of service to the Interim Study Committee on Coastal Management and to the Coastal Area Management staff in their work to prepare this program, and to the General Assembly in its review of the proposed legislation.

CFE strongly supports the legislative findings, goals and policies of the proposed bill. We are especially enthusiastic about the emphasis placed on coordination of activities at all levels of government and the commitment to conduct, sponsor and assist research in coastal matters to improve upon the data base for management decisions. The recognition and maintenance of natural coastal landforms, and the promotion of non-structural solutions to the problems of flood, erosion and sedimentation are acknowledgement of the dynamic nature of shoreline formation. These elements of the proposed legislation are keystones of intelligent management of the coastal zone. The federal act, however, requires

MS. KEENE (Continued): some statement of goals and policies not included in Connecticut's proposal. We consider two of these especially important. The first, under 15 C.F.R. 923.13, is the identification and management of coastal zone uses of regional benefit. Many management decisions will have an effect on more than one unit of local government. These effects must be considered during the decision making process.

CFE would like to see greater cooperation and coordination between local governments in planning for the use and protection of their coastal resources. The second requirement we would like to mention is the planning process for energy gacilities under 15 C.F.R.923.14. While Connecticut states a policy of prohibiting the development of deep water ports off Connecticut's shoreline, no other energy facility siting is mentioned.

In this time of tremendous controversy and concern over energy questions, CFE feels that this area deserves special attention. The federal act requires that the state develop a planning process for anticipating and managing the impacts of all energy facilities in, or effecting, the state's coastal zone. A much more comprehensive policy statement is needed in this proposed legislation to meet this requirement and to adequately plan for this critical use of coastal resources.

Aside from policy articulation, the main purpose for enacting legislation is to establish the authority for implementing the state's coastal programs. CFE is concerned that the authorities proposed in this legislation are not adequate to ensure the implementation of the outlined policies. Connecticut has proposed using the existing state regulatory and planning authorities, and municipal planning and zoning authorities, to create and implement coastal programs. The act, however, clearly states in Section 302 (g) that, quote, "In light of the competing demands and the urgent need to protect and to give high priority to natural systems in the coastal zone, present state and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate."

The proposed legislation advocates both the preparation and implementation of coastal programs at the local level. But adoption of a coastal management program by a municipality is strictly voluntary, and therefore would not satisfy requirements of Section 306 (3) (1) (A). The state has not established the authority to either, a) directly enforce state standards and criteria; or b) to prepare a program for

MS. KEENE (Continued): the municipality to implement; or c) to prepare and implement local programs; or d) to seek judicial relief against local governments for failure to adopt a voluntary program; or e) to review local governmental actions on a case-by-case basis; or f) to establish an intermediate level government to implement the program, subject to state reviews and I'm referring you to 15 C.F.R.923.42. Local implementation of voluntary local programs is not an option under the act when there is no authority to ensure that the local programs meet state criteria. To maintain local control over planning and enforcement, the state must require municipalities to adop a coastal program.

The state must then enact strong review procedures to ensure that local programs are following the policies set by the state's coastal management bill. The monitoring duties and right to judicial relief action invested in the Commissioner of DEP by the proposed legislation are narrow and not clearly defined. They do not appear adequate to meet the requirements of Section 306 (e) (1) (C) of the federal act. We question the effectiveness of this method of enforcement. It may only lead to extended and complicated lawsuits - or, because of this possibility, it may not be sufficiently applied. Stronger measures are needed to achieve federal approval.

CFE advocates strong state regulations supporting general state policies before Connecticut's program seeks federal approval. These regulations should be established, and submitted for review by the General Assembly. This would allow Connecticut to retain its goals of local implementation with the assurance that state standards were being enforced.

CFE supports Connecticut's desire to maintain minimal state interference in local affairs. But the importance of portecting and wisely using its coastal resources necessitates the state's active involvement in all aspects of its coastal management. Possession of coastal resourses is a privilege, along with that privilege goes the responsibility for maintaining the integrity of those resources. We encourage and support Connecticut's continuing efforts to meet that responsibility in providing for a healthy future for its coastal environment. CFE submits these comments in the hope that they will contribute to this effort. Thank you.

SEN. SKOWRONSKI: Any questions? One question from me. Is it your concern that the proposed care bill does not meet federal standards?

NOTE: WE WERE ONLY ABLE TO TRANSCRIBE PORTIONS OF TESTIMONY, AS THE SPEAKER WAS EXTREMELY DIFFICULT TO UNDERSTAND.

GDF

MS. KEENE: Yes, that's correct.

SEN. SKOWRONSKI: This was something that was a concern of the subcommittee, the task force and the other legislative body, dealing with the legislation and my understanding is that the proposed legislation has been reviewed by the federal authorities and they approved it in its present form. This is something that we are very concerned about, very careful about, so I believe that the federal authorities have approved this proposed draft. I take it that's a transcript of your remarks. We'll go over those. The next speaker is J. Richards Nelson.

MR. NELSON: My name is J. Richards Nelson, I'm President of the Long Island and a public member of the State Coastal Area Management Group. I know of no bill or proposed legislation that's had more study or a thorough going over for a number of years and I want to particularly compliment the legislative study committee for the time that they have put on this and the thoroughness with which they have run it through the various proposals. Now, I have been involved in underwater all my life, the last 44 years of it have been in Connecticut waters, and New Haven area and other areas of the sound. During that period, I have seen a tremendous decline in these resources, the natural resources here in Connecticut. The previous speaker gave statistics about acreage of small meadows, that have been lost in Connecticut. When I first started in the middle thirties, the Mansfield Company, which in time, oysters in the River, we had a Bob Parker, by name, who was an expert and he could go out with a skiff oysters in the River in half a day. I think you would find it quite difficult, if not impossible, to find any natural oysters in the River today due to the fact of the filling in of sludge and just the degradation of the bottom. My company does have one small key oyster operation in the Bridge where the flats are high enough so that the sludge does not really settle there. Except of that, I know of practically no sea production here in the New Haven harbor, north of the jetty and they have not been able to pursue the production of seed oysters fully by bringing every bit of ingenuity we know how to bring to the and retreating down the harbor, the lower harbor and then combating the starfish and the and we have to come back there under we were able to exist. I think that it's a rare opportunity to have this legislation available and nothing is perfect, I'm sure, but

NOTE: DUE TO DIFFICULTIES IN DETERMINING ACCURATELY WHAT THE SPEAKER WAS SAYING, WE WERE ONLY ABLE TO TRANSCRIBE PORTIONS OF TESTIMONY.

MR. NELSON (Continued): it certainly is, to the best of my knowledge, a very, very good bill and I believe I am correct in the fact that it has been reviewed by the federal people and their provisions are satisfactory

so I would hope that the legislature will see fit to pass this legislation. It's very badly needed, thank you.

SEN. SKOWRONSKI: Thank you very much. No questions, thank you. The next speaker, Doran Podoloff.

MR. PODOLOFF: My name is Doran Podoloff. I live in Branford, my
Belt business is a boatyard, Kimberly Harbor in West Haven,
#6 Connecticut. I've been associated with the New Haven Harbor for about 50 years. We have a marina, believe it or not,

through water
the New Haven Harbor back end of
that, more and more came after that. I'd like to speak very much in support of Bill 7878. We have a very wonderful and natural resource in New Haven Harbor and it is not being developed in the best possible use and the highest value that it could be developed into. We have space there for a very fine marina, alongside of one wharf, I agree

marsh marsh
marsh at all. You will find that
the fish still go and the swans still go there and the birds still go there and everybody still goes there,

thrive. I can't see
where taking that away, of course, will do any good unless

there. I would
like to see a harbor developed on the east shore and on the west shore and a system of parks, I believe into a system of marinas, into a system of recreation facilities in which we can't replace in any amount, or shape or form, ten years down the road. We cannot make more water, we cannot make more areas of recreation for people to use that are water oriented. I'm a member of the Connecticut Association of 150 marinas in the State of Connecticut. I'm also on the New Haven Port Development Committee and we've heard a great deal of talk and discussion about this thing over the years, the bill isn't perfect, the bill will have to be tried, it will have to work for a few years, and in a few years, you will change parts of it, I'm sure. There's been a great deal of discussion about certain parts of it. They should probably be corrected. They've all been talked about at some meetings in Stamford and Bridgeport, I won't belabor that, I would like to see it passed. I would like to see something done, not only for New Haven Harbor,

MR. PODOLOFF (Continued): I think every harbor in the State of Connecticut and on the East Coast. We are running out of water, we're not going to have any more. We are going to have to use what we have and develop it in the best way, or we're never going to have it again. Thank you.

SEN. SKOWRONSKI: Thank you very much. The next speaker is Ellen Harrison, The League of Women Voters of Hamden.

MS. HARRISON: My name is Ellen Harrison, I am here tonight on behalf of the League of Women Voters of Hamden. We would like to thank the environment committee for holding hearings along the coast as well as in Hartford. Throughout its considerations of Coastal Area Management, the committee has gone out of its way to solicit and respond to public input.

As you know, the League of Women Voters has been actively involved with Coastal Area Management for a number of years. We are truly delighted tobe here tonight to speak in support of Bill No. 7878. The CAM subcommittee of the Environment Committee is to be congratulated. Through the efforts of the subcommittee and of the Coastal Area Management staff, advisory board, and others, we have before us a coastal area management bill which contains the essential provisions necessary for the wise use of our coast.

If passed, this bill will extend discretion to Planning and Zoning Commissions which they do not now appear to have. For the first time, land use and environmental considerations would be included in the deliberations of Planning and Zoning Commissions for applications falling within the coastal boundaries. This discretion should be very desirable to a town like Hamden which tried to exercise such discretion and is presently in court on an appeal trying to overturn a lower court's decision that the Planning Commission may act only in an administrative capacity.

Municipal coastal programs, or amendments to the town plan for the coastal area, are optional in Bill 7878. Hamden is in a particularly good position to participate in this aspect of Coastal Area Management, since the town is beginning to undertake an update of its town plan. If this bill passes, I would recommend that the Planning and Zoning Commission of Hamden forward a copy of the legislation to the consultants and include formulation of a municipal coastal program for our Quinnipiac coastline as part of the work to be done on the update of Hamden's town plan. We have nothing to lose and so much to gain in passing this bill. Through the efforts of the CAM subcommittee of the Environment

NOTE: UNABLE TO ACCURATELY DETERMINE
SPEAKER'S TESTIMONY

MS. HARRISON (Continued): Committee, a bill has been formulated which answers the questions and concerns raised by citizens, legislators, and local officials at previous hearings. Bill No. 7878 is a Coastal Area Management bill we can all support. Thank you again for this opportunity to comment.

SEN. SKOWRONSKI: Any questions? Once again, Ellen, it wouldn't be a public hearing again, but if you weren't here as well as Margaret. And I'm glad to see that you endorsed it because I know that you are concerned about it and very active in its formulation. The next speaker is Charlene Bergstrom.

MS. BERGSTROM: My name is Charlene Bergstrom, executive officer and legislative agent for the Connecticut Marine Trades Association. efforts, also my efforts and many of our members and associates are highly in favor of this bill, just wanted to make that known again in front of this body, and I think we're starting to become nitpickers. On Page 14, Subsection 17, regarding water engineer uses, we understand the intent of this section is to allow that are now water dependent, but do provide access to the shoreline for, you know, the general public apportions of it. We'd really be more comfortable if the last clause of that subject, in which you provide general public access to the marine or tidal waters. Line 559 those uses which are enhanced by location in or adjacent to marine or tidal waters, which provide public access to

We're just concerned that there might be some problems with this which could delay actual enforcement of the intent of the bill. Thank you.

SEN. SKOWRONSKI: Thank you, Charlene. Rep. Allyn.

REP. ALLYN: I was just curious. I was reading an article which I guess was by your group in the Hartford Times, March 23, and it made reference to a survey that was done by your organization and specifically, talks about 31 yards that closed and went out of business.

MS. BERGSTROM: That's correct.

REP. ALLYN: Could you provide me or if maybe --

MS. BERGSTROM: We would be very happy to I think in his former testimony advised that we had the list that we received from our members and I'll bring it to you

MS. BERGSTROM (Continued): tomorrow.

REP. ALLYN: Thank you.

SEN. SKOWRONSKI: Good to have people like the Connecticut Marine Trades and the League of Women Voters and all diverse groups on the same side on this one. Next speaker is Peter Neill.

MR. NEILL: My name is Peter Neill, Director of Schooner, Inc., 50 South Water Street, New Haven, we're a non-profit, environmental education organization dedicated to the study and conservation of New Harbor and Long Island Sound. Schooner is a membership organization with some 750 members, most of whom live along Connecticut's shoreline. In addition, last year, we provided marine science curriculum for 3500 students, under the sponsorship of 70 public and private institutions.

While I cannot speak directly for these participants, I feel their support of our organization and its goals is indicative of growing concern and support of coastal area management. Schooner has in the past and will continue to speak strongly in favor of the legislation now before you. Tonight I would like to comment briefly on three objections raised by those who, for whatever reasons, object to CAM as an alternative to the status quo. First, the bill does not deny local autonomy in the planning and decision making process, several speakers have spoken about it before and I can answer them as a longtime public hearing and indoor and litigator in a local community, that it is far preferable to, and more effective in the end, to fight with your neighbors than to go to Hartford to seek redress.

If anything, the bill increases the power of local zoning boards to control shoreline development and I think this is a good sign, to raise the spectre of state zoning, I believe is misleading in this case. Secondly, the bill does not create another state agency, or level of bureaucratic regulation for the developer. Regulation for developing is simple no longer no matter what we do, if anything the bill that if you process and more importantly, informs a developer in advance of what a municipality believes to be an appropriate development within its coastal zone. The bill provides greater uniformity and reliability to the decision making process, locally and statewide. I hope that you will agree that clarity and understanding before the fact are preferable to litigation after the fact and too frequent

MR. NEILL (Continued): confusion and misunderstanding characteristics of so many zoning decisions. If anything, the bill does not discriminate against development per se, if anything, the bill encourages development appropriate instead of indiscriminate use. Recreation, residential housing and commercial activity also viable coastal needs. discourage activities that could just as well be undertaken inland, where land resources are not so limited but directly challenged. These three accusations state zoning, increase bureaucratic interference, development hearings used by the opponents of coastal zone management to confuse and divert the public. The questions, indeed, are legitimate ones, but a simple reading of this bill will give legitimate answers. One final thought emerges as a result of many conversations about CAM with environmentalists and businessmen alike, both have a common lament, the lack of specificity in the legislation as it now stands. There's too much gravy or you leave too much ground for interpretation. Those committee with the evolution of this legislation over the past two years will find, I hope, an irony in that. The desire for black and white certainty is understandable from all points of view, it is also realistic and simplistic. The circumstances of any given project of any given community require, indeed, merit flexibility. I believe that the goals and policies included in the present bill provide adequate specificity and reflect the reconciliation of conflicting demands within the coastal zone, that is the purpose of the law.

Anything less specific, any further dilution of intent of regulatory powers, however, Schooner would feel to be unacceptable. We believe the CAM legislation is imperative for a plan for the orderly and appropriate development of our remaining shoreline and to forestall additional abuse. We would, of course, prefer an even stronger bill than has been proposed, but feel, nevertheless, that what we are considering tonight represents an informed compromise. It is paramount however, that supporters in coastal area management continue to press for strong municipal programs after this bill is enacted and to review all specific site plan proposals that come before their local zoning board. That kind of citizen surveillance comparable to the overside of encroachments, of inland wetlands and coastal marshes must continue so that the legislation can be effectively applied and the potentional benefits that we see inherent in it, can be realized. Speaking for Schooner, Inc., I urge you all to report on and pass the strongest possible bill in support

MR. NEILL (Continued): of coastal area management. Thank you.

SEN. SKOWRONSKI: Hold on, Peter. Rep. Allyn.

REP. ALLYN: I'm just curious, when it comes to a conflict in an area between housing, residential housing and marine commercial development, which do you think should have the higher priority?

MR. NEILL: I think it -- surely a set of circumstances that can't be answered in the abstract. I think that's something that simply is fought out on the local level. I think that there are many considerations which now as a result of all the policies in this bill, will now have some bearing in those discussions. Heretofore in local municipal zoning disputes, aside of inland, wetland and coastal marsh legislation, there has been no place to go. There has been no way to bring environmental consideration with

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SEN. SKOWRONSKI: Just one question. You categorized the possible objection to this bill into three categories, one was the
Belt 7 specter of state zoning, the second was bureaucratic interference. What was the third one?

MR. NEILL: I don't know. Let me see if I can find it here. Anti-development .

SEN. SKOWRONSKI: They seem like fairly good .

MR. NEILL: They were red herrings.

SEN. SKOWRONSKI: Right. This is our fourth hearing and no one has brought up the red herrings yet, at least in using those words in phrases.

MR. NEILL: I'll bet it happens. I bet it happens before it's all over.

SEN. SKOWRONSKI: You may have supplied them with the language that they're looking for. Thank you very much. The next speaker is Richard Byer.

MR. BYER: Mr. Chairman, members of the Environment Committee and members of the audience. My name is Richard Byer. I live in New Haven. I would like to commend this committee for giving the people of Connecticut the many opportunities to express their feeling about the coastline.

In the past few years the need for a coordinated program to protect, enhance and guide any development of the Connecticut shoreline has become compelling and urgent. An outstanding example of this need is taking place right now in the City of West Haven. Most of you are aware West Haven made history concerning land use directly on its shoreline. From 1967 to 1973 the West Haven Redevelopment Agency allowed commercial, private construction directly along the shore front. In May 1973 the citizens sponsored referendum initiated by a West Haven organization called IMPACT overwhelmingly voted down a twelve-story building proposed for the immediate shore front area. In 1974 private developers again threatened to build on a forty-acre site on the shoreline. Once again, IMPACT and the citizens of West Haven petitioned for a referendum.

In this second referendum held in October 1974, the people again voted overwhelmingly a shoreline preservation, this time the vote was for the city to acquire the entire forty acres in this project and to hold them forever as part of the

MR. BYER (Continued): public domain devoted to park and outdoor recreational use.

The message from the citizens of West Haven for this committee is clear and resounding. Private exploitation and building along the shorefront must stop now. Because of a court decision concerning developers' rights, the issue has not been resolved and so in spite of two referenda and overwhelming public support of shoreline preservation, the area is still in great danger of being lost to private commercial development.

The point made here is obvious. Had there been strong goals, policies and guidelines provided by the state, the situation in West Haven may not have taken place. Similar situations exist in many Connecticut shoreline communities. Certainly a municipality should be allowed great flexibility in developing its own coastal program, but the State Coastal Management Program should provide a very strong guiding influence in this area.

We've all heard a great many proposals from a number of people describing their idea of how our shoreline should be preserved. Here are just a few of the imaginative ones people have told me.

One man suggested we get the Army Corps of Engineers to pump tons of sand onto the existing beach fronts thereby extending the shore front by an additional 75' and then building a road on it. One teacher suggested that boat rides be conducted up and down next to the areas which have private construction on them where she could be sure and see all the shore front all the time. Another woman proposed building a causeway out onto the water then parallel with the shore, back to the land and then filling in all of it. Another man suggested reopening all the streets along the shoreline which were closed for private construction many of which he claims were never properly legally closed anyway.

Now certainly some of these suggestions are not practical. But the point is these people, like most of the people in this state, would somehow like to get back their lost shore front, but if not that, then certainly not lose anymore of it to private developers. Connecticut has the opportunity of a life-time. It should enact a strong coastal area management bill with highest and predominant emphasis given to public recreational use of the shoreline. In this way, Connecticut will preserve its natural heritage and assets for its own future and for the future of its people. Thank you.

SEN. SKOWRONSKI: Thank you very much. And the last speaker on the list John McGuerty.

MR. MC GUERTY: My name is John McGuerty. I'm the Director of the New Haven City Planning Department in the City of New Haven.

The City of New Haven has advocated effective coastal management for many years. On our own and with the assistance of the state CAM program we are presently engaged in an extensive planning program for our waterfront areas. And a number of people have spoken in here tonight have, in fact, participated in that program and are still participating in it.

We strongly support passage of a federally-approvable Coastal Area Management bill this session. This is important both to qualify for federal management and implementation funds under Section 306, 310 and 315 of the Federal Act and to invoke the federal consistency provisions of Section 307.

Independent of these benefits, Connecticut needs a well-run CAM program to set the rules of the game for coastal development. Guided by a comprehensive set of policies, the regulatory processes would be simplified and accelerated, providing more timely decisions and more effective protection of coastal resources. Municipalities would finally have the power to consider the full range of impacts in reviewing coastal developments. You've heard from others tonight on that same point.

Bill 7878 represents a great improvement over the legislation proposed in the 1978 session, we believe, in response to comments by ourselves and others, many of the specific criteria, policies and procedures have been included in the current act. The CAM Program staff, the CAM Advisory Committee, and the legislators who have worked long hours on this bill deserve our commendation.

Speaking for a municipality with a predominantly urban shorefront, however, we are concerned that the bill before us continues to contain conflicting policies that may undermine both the intent of the federal act and the expressed goal of recycling urban waterfront areas into water-oriented uses. And let me hasten to note not in this prepared remark, that these conflicting policies each on their own read very well.

In studying the current draft, it's our conclusion that these conflicting policies result from a reliance on a single set of policies to apply concurrently to every inch of the shoreline -- to apply, for instance, to Stratford's Great Salt

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MR. MC GUERTY (Continued): Marsh and the inner reaches of Bridgeport Harbor at the same time. Thus, the strong conservationist statement carefully wrought to protect a natural resource can confound a policy of urban repair. And equally, the ambitious speculator can argue economic benefits in areas that most of us would assume to be secure natural resources.

The city believes that the bill can and should provide a clearer management of priorities for particular types of areas and resources in the coastal zone. And it believes this clarity can be accomplished with little or no discomfort to the bill as presently written.

The recommendations we make have as their objectives to first, minimize the developmental assault on natural resources of the coast which are important to all of us - city dweller and country dweller alike, and, second, to minimize the hassle to development and heavy waterfront usage in those areas where the act determines these appropriate.

To accomplish this, we would recommend the establishment of two specialized zones within the coastal zone or, if you will, the establishment of three zones in total. To each, a separate set of policies or a separate application of the policies already contained within the act would apply and a distinct direction be taken in permitting. These are as follows:

Zone A would be most of the coast of the State of Connecticut, a mix of developed and undeveloped lands where the balancing process and the policies in the act as written would be a reasonable basis for control. It could be defined as what remains after the following two zones, which are the new ones, are identified. In this area the policies and regulatory mechanisms contained in the draft bill would remain essentially intact.

Zone B would be a conservation area. Lands with valuable natural resources of statewide and national signficance should be included in this area and the strictest policies should be applicable. This designation would cover, but not be necessarily limited to, such areas as tidal wetlands, prime shellfish beds, barrier beaches, resources which should be preserved for all citizens of the state and for future generations. It is imperative that these resources not become subjects for argument and trade-off. Within a fixed period of time, DEP should be obliged to specifically identify these areas. That's Zone B.

Zone C would include urban shorefront areas. The development

MR. MC GUERTY (Continued): pressure from Zones A and B should be directed into these urban areas with highly engineered shorefronts. Valuable resources within these areas, such as sizeable wetlands and prime shellfish beds should be vigorously protected. In such areas, which like Zone B would be mapped, a Municipal Coastal Program, we feel, should be mandatory, even if it's not mandatory in the other zones. Because here you're obviously taking a developmental approach and having the clear determination beforehand as to what that should be. It's the whole name of the proposal. So a development program should be mandatory and should require the approval of DEP. Once approved, such permitting and regulation as required by the state and federal agencies, to the degree allowable by law and controllable by this act, should be consistent with the municipal program and positively support the diversion of coastal ecnomic and recreational development to these areas.

If these changes cannot be made, if it's impossible to establish the concept of two specialized zones within the generalized zone, then we would have to urge the inclusion of an explicit acknowledgement within the present act that as a general proposition a priority use for a highly engineered urban shorefront areas, in short, central city harbors - New London, Bridgeport, New Haven, and urge the explicit acknowledgement that as a general proposition, a priority use for these areas is for economic development and the satisfaction of
Belt 8 statewide recreational needs. While critical or irreplaceable major natural resources would and should be preserved, carrying out the true intent of the act, the balancing of society's many needs in the coastal areas will require the alteration of some natural elements in urban areas. Now, if you hear in this whole zone's proposal, I would call your attention to the fact that we're drawing on the policies that are already in the act and simply recommending that there be established a clearer definition of areas into which both preservationist's policies would be most appropriate and developmental policies would be most appropriate.

While offering these second alternate stronger policy statement for urban harbors, we are not really happy with it. It doesn't have the clarity of the special zones approach. It doesn't have the review or the unarguable protection of the state's natural resources.

To these overall recommendations, we'd like to add a few specific points and I will not continue to read. I'll just state these more briefly. First, we have not made recommendations suggesting a return to the idea of a mandatory

MR. MC GUERTY (Continued): state plan or a mandatory municipal program throughout the coastal zone. We nonetheless feel that given , we would like to see that happen. We figure it would be much better if there were a clear program along the entire shoreline.

Secondly, we think that where you do have municipal coastal programs which are approved by the Commissioner of DEP, that that approval should be stated in the act as admissible in court as persuasive evidence of the validity of municipal approvals for all developments consistent with the program, in short, the state backs up the municipalities in the act.

Third, we really feel we have to protest the diminishment of what was not a very strong statement originally on public access to the waterfront throughout the Connecticut shore. We would very strongly urge a more direct policy encouraging expanded public access throughout the state.

And lastly, a specific item. The act contains a policy statement on airports in the coastal area. The policy statement has two pieces, the first piece is there shall be no expansion at all, the second piece is that any change should be of minimal environmental impact. We think that statement is too strong and you ought to maintain the concern for environmental impact to eliminate the absolute prohibition.

In conclusion, we support the act. We make recommendations and hope you will consider favorably and in any event, we look forward to working with you and are ready to cooperate in any way we can. Thank you.

SEN. SKOWRONSKI: Thank you. Are there any questions? Okay. Representative Belaga first.

REP. BELAGA: Mr. McGuerty, I'm intrigued with your description of the zones that you think might be reasonable to establish. I think it is the feeling of the subcommittee that worked on this bill that that's exactly what a local municipality would indeed do -- that they would deal with the coastal plan and make some decisions about their coastline and indeed zone them and what you've described are the kinds of things that we assume would come out of that. The question really is whether it should be mandatory or not. I would assume that New Haven would indeed move right into the direction of a plan and it sounds like you're already moving towards. But the political decision was to go with an optional plan rather than a mandatory plan. You're asking for the DEP to draw those zones and it had been very clearly spelled out by

REP. BELAGA (Continued): citizens that they wanted the municipality to make those choices.

MR. MC GUERTY: Oh, I recognize that they are clearly people who take a different position and we're more than aware of the kinds of reactions that have been received on prior drafts. Our point was not anything that's really comparable with a city or town's establishing of a program or establishing of its own zones which would make different kinds of controls. We are recommending specifically that the state map out conservationist zones. Now, there's been some state mapping already, obviously. State Title Wetlands mapping that established the salt marshes a number of years ago, set them aside as special and specially controlled. It's a very clear state program.

We believe that where there are other areas, whether they fall into the Title Wetland Bill or not, that are of such importance on a statewide basis that they should not be subject to normal development pressures, that they should not have to withstand year after year after year after year the same guys coming back taking the same push knowing that sooner or later they're going to wear somebody down and it happens. That those kinds of areas should be set aside as protected. What am I talking about? Maybe I'm talking about the marsh areas off Statford and Bridgeport. Maybe I'm talking about , maybe I'm talking about portions of Stonington's rocky beaches. Special natural areas that should have a special kind of control.

SEN. SKOWRONSKI: Thank you. Representative Allyn.

REP. ALLYN: Speaking of Stonington, I noticed that you mentioned New Haven, Bridgeport and a few other harbors. You neglected to mention Stonington Harbor. Are you aware of the State Planning Conservation Development mapping that was done?

MR. MC GUERTY: Yes, but I don't know what they said about Stonington?

REP. ALLYN: No, I was just wondering -- originally when that was mapped, I think New London -- I'm not sure about New Haven, was shown as a conservation area, the entire harbor and the City of New London was a little upset at that. So we created a new zone - Urban Harbors and then we created another zone called Fishing Harbors of Stonington. I think the point being that there was obviously a difference between New Haven Harbor and Stonington Harbor as far as New Haven Harbor was suitable

REP. ALLYN (Continued): for oil tanks and so forth and Stonington Harbor wasn't. But yet there was still a need in Stonington Harbor for some redevelopment and that all redevelopment should take place in New Haven, Bridgeport and Stamford.

MR. MC GUERTY: Well, that's correct.

REP. ALLYN: Yeah, I was just wondering by not mentioning that, whether you thought that that harbor was one that should be put in a conservation area and nothing be done with it.

MR. MC GUERTY: No, please take notice. Let me say this again. I know I droned through that. It's been a long day. We are proposing first that the general approach of the bill be the immediate approach that applies throughout most of the state, that if you were to measure the state's hundreds of miles of coastline and all its twists and turns, most of that mileage would go into what would be called the general coastal zone or Zone A as I described. Every protection, regulation policy that's described in the bill that you're having heard tonight would be applicable in those areas.

Then we suggest the development of two separate kinds of areas which would, I think, inherently be substantially smaller. First would be the preservation zone or the conservation zone which I call Zone B. The second would be the intensive urban harbor zone, Zone C - that being placed in there to recognize a couple of things. First, in areas like New Haven, like Bridgeport, like New London, the waterfront is long since a man-made thing. It is an area that in large areas is deteriorated. It's an area -- however, where those who would seek to make them faced with all the difficulties of dealing in a city environment still must add to that the difficulties of dealing with environmental law that is geared to entirely different sorts of places. We suggest that the heavy development pressures should find it easier in these areas, that the law would be wise to back up the policy statements it makes about urban harbors. That's our Zone C.

Whether Stonington Harbor or a piece of Stonington Harbor or Stonington River, I guess it is, should receive that designation or not, I don't know. I think that that was before the process. Our recommendation would be that all the Zone C harbors have to apply for that designation from the state, put forth their plan, receive approval from the state before they fall into that category.

REP. ALLYN: Don't you think that there's sections of New Haven Harbor and the other harbors that deserve the same environmental concerns as we're talking about on the other C. In

REP. ALLYN (Continued): other words, do you think that an entire harbor should be designated in the C that you're talking about -- all of New Haven Harbor, or don't you think it should be just be done on a case-by-case basis?

MR. MC GUERTY: Well, New Haven Harbor first is made up of the shorelines of two towns. And certainly not every inch of New Haven Harbor is like every other inch. In New Haven Harbor we have extraordinarily valuable resources in the form of the that exist in the harbor, that possibly with the clean up of harbor waters that is coming which is actually happening and in which the city is out of its own money investing hundreds of millions of dollars -- hear that folks -- hundreds of millions of dollars for all of we who don't care about the waterfront. That's something that should be protected. There is, in New Haven, one honest-to-God real salt marsh. That should be protected. But it would be my own opinion that New Haven Harbor, at least from the area of the West River to Lighthouse Park, would properly fall into a Zone C. Now, what happens on every inch of New Haven's Harbor front would not be the same all the way around. That's where the urban harbors plan -- mandated plan would require. But that mandated plan would say first -- over here is an area of rotting wharves where we presently have an oil tank sitting behind a rotting bulkhead, that a developer can come in and do something with that land and treat it as land that needs to be repaired, not as a barrier beach that's experiencing the natural forces of wind and weather.

Secondly, New Haven Terminal, our major shipping entity in the city would be allowed to exist and function and operate and expand, contract, change its uses -- whatever it had to within the confines of the plan.

REP. ALLYN: What do you think of like the mud flats across from the Howard Johnson's Motor Inn by 95? What category should that fall in?

MR. MC GUERTY: I would put the mud flats in as a development area. They are welcome. They're very new mud flats. They were made when the highway was put in. Were there changes made in that area, we could likely expect some more of them to be made.

Those have had substantial study on them. They are comprised largely of very poisonous outfall from two sewage plants, the heavy metal content is extremely high. There was a study done by one of the schools, I don't recall quite which one which decided to test the effects of wind blowing across those mud flats in terms of carrying dangerous disease. They

MR. MC GUERTY (Continued): set some fifty dishes up on sticks and all the dishes got extreme cases of influenza. They're not what one would particularly call a strong natural resource, although they do being extremely

MR. MCGUERTY: Strained biological habitat that they do tend
elt 9 to produce booms of worms which are fed upon by -- by birds and possibly by fish. There's only that three species of worms that grow and they are contrary to the many species that would grow in the healthy mud. But in any event, it would be my feeling that that sort of an area immediately on the turnpike trapped between two developed sectors that thats the kind of place where development should go. Rather there then on the -- on the Clear Beach or the mud flat in a much more natural area somewhere else.

SEN. SKOWRONSKI: One last question not to prolong the agony. You mentioned specific recommendations that you had and I think you enumerated the four or five items. I'm afraid that I might have missed the first two that you mentioned. The one with the later one with stronger public access provisions. Another was eliminate the absolute prohibition on airports. What where the earlier ones you mentioned.

MR. MCGUERTY: There were four. The first was that we recommend the restoration of the mandatory municipal coastal program provisions. Secondly,

SEN. SKOWRONSKI: Now I know why I didn't have that one.

MR. MCGUERTY: Well, now you know why we separated it from our other recommendations. We're aware of the controversy around that. Secondly, was a technical point that we felt that in the instance where there is a -- a municipal coastal development program but not their fine municipality and approved by DEP that that program, that this law should contain a statement that in that instance program adopted DEP approved, that the -- DEP's approval of the program should be admissable in court as persuasive evidence to the validity of -- of those municipal approvals which adhere to the program.

SEN. SKOWRONSKI: Okay, thank you, very much.

MR. MCGUERTY: Thank you.

SEN. SKOWRONSKI: Are there any other speakers. Hearing none, okay, you're saved by the bell.

MR. FLANAGAN: My name is Ed Flanagan. I am a summer resident east of the Connecticut River. I learned a lot by to be the last to be heard. And I can

MR. FLANAGAN (Continued): understand how each and every year one of the speakers had a crystal ball of his own. And I had mine that is what happens to private beach clubs who are on the coast. They haven't heard anything on that. And to this point I'd like to address Bill 7878. I'd like to go on record as being against it. I have several questions that somebody can give me the answers on page 3 of the bill -- Section 6 -- to encourage public access to the waters of Long Island Sound by expansion development and effects of utilization of state owned recreation facilities and opportunities within the coastal area that are consistent with sound resource conservative procedures.

And I notice that the constitution protects the rights of public property owners has been omitted. Could you tell me is that good or bad. That that has been omitted.

SEN. SKOWRONSKI: Julie's our constitutional lawyer at private property rights experts.

REP. BELAGA: I do hope you give me a quick degree. In the original bill -- in the bill we dealt with last year, we did not address ourselves exclusively to state owned property. We addressed to a broader area and we had some flack and some concern from citizens. Now in dealing with this bill, we decided we would direct our energies and our attention exclusively to state owned recreational facilities and opportunities and as long as we are directing our energies to that it was inappropriate to deal with the other area which it did in the last year because we did deal with private property.

It was the need because we really not -- this bill does not address private property and your beach property would not -- your rights as a beach property owner would not be jeopardized by this legislation.

MR. FLANAGAN: Well, yet there are other items in here which call for access to title to waters. Now how do you get access to titled waters if you don't go through private properties.

REP. BELAGA: If you show me -- we use the word access many times through this bill and each time it has a different reference and you if you particularly point to one then it might make more sense to deal in it that way.

MR. FLANAGAN: I will when I can answer it then. To coordinate the Item 8. To coordinate the activities of public agencies

MR. FLANAGAN (Continued): to share that state expenditures enhance the while affording maximum protection to natural coastal resources and processing. Could you explain or somebody explain what the activities will be. The same as in Item 9; Planning and Regulatory Activities.

RPE. BELAGA: Well, No 8 deals with the question of state expenditures for properties. The state is -- the hope would be that the state would continue to expand purchases of property along the shore front so that they would be more state parks. And we specified exclusively state expenditure rather than getting involved with local expenditure lands.

MR. FLANAGAN: Is that what activities mean.

REP. BELAGA: Yes. To coordinate the activities of public agencies to insure that state expenditures enhance development while affording maximum protection of the coastal site. And that would -- was in addressing itself to purchase land along the coastline. And No. 9 we're talking about coordinating all of the regulatory agencies at the -- at the state level. And we have numbers of programs that under this legislation would coordinate the permit processing and the hearing processing.

MR. FLANAGAN: On Page 14, Item 17, water enhanced uses do not functionally require direct access to rains or tidal waters.

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MR. FLANAGAN: That's correct.

REP. BELAGA: These are definitions so that any local municipality dealing with the site plan would know what -- what these terms mean. And again, we're talking -- we separated two items. We talk about water dependent uses and we talk about water enhanced uses. Water dependent uses are those which absolutely must have access to the water. In other words, it's pretty useless to build a -- a shipyard inland. I mean I think you will hold that true. And so we tried to list what is in -- well, maybe you could do it inland. Oops, sorry about that. And then they ship them by truck, well it is the use that it's pretty traditionally marine, whatever. The list here does indeed address itself to those things which are dependent upon water for it to function. Water enhanced uses for those things which it would be -- the best word is to be enhanced or enriched by being near the water, but it is not vitally necessary.

SEN. SKOWRONSKI: Let me add just a comment on that. Access in that line, Line 557 merely is descriptive and does not have anything to do with opening up something where it does not now exist. It just means access really in that sense as descriptive it means location. A water enhanced view is the use that does not require the use to be located on the water. But you need located off the water. Inland.

MR. FLANAGAN: To get back to access, then. Is there anything in this bill that addresses itself to the public having access to the water through private beaches.

REP. BALAGA: No.

SEN. SKOWRONSKI: No.

MR. FLANAGAN: It's not in here one way or the other. It's neither for nor against.

SEN. SKOWRONSKI: It's against.

: It doesn't say that.

: Well, it's not in there, what's that. Well I think it was drafted because there was substantial concern that -- this plan would result in the opening up of private land to public use. And I think the fact that -- paragraph 6 on page 3, line 81 through 86 talk about utilization of state owned facilities and an expansion of state owned facilities clearly shows the bias toward developing state owned facilities and not private property.

MR. FLANAGAN: Okay. And while we're -- that was my original subject. What is being done to open up many, many acres of -- Rocky Neck. That the people protested because they wanted to -- have their parking lot on the north side of 156 when there are acres and acres of land on the south side of 156 that run into the four mile river.

SEN. SKOWRONSKI: Okay. Just as a matter of information. I should say procedure really. Generally at public hearing we don't go back and forth question, answer because we just couldn't, but because there are just so many concerns and we just can't do it -- do that, but I believe Rep. Allen has some knowledge of the -- the deeds you speak of, but essentially we're here gathering information from you that we can use to formulate our own opinions, so if you do have some concerns and some questions, we'll remain afterwards and Mr. Rock will be here, but as a matter of procedure we

SEN. SKOWRONSKI (Continued): usually don't go back and forth because we just can't. But I believe Rep. Allyn has some -- an answer for you on the Rock Hill.

: The Rocky Neck.

REP. ALLYN: The situation at Rocky Neck is not addressed in this bill in any way.

MR. FLANAGAN: I could see that.

REP. ALLYN: Yeah.

MR. FLANAGAN: You talk about developing a state owned recreation facilities, but yet you're not doing it.

REP. ALLYN: The legislation says that that's what should be done. Now, it's up to the Department of Environmental Protection. Where an d how they do do it. And that will be a under the discussion of that Department and the people in that particular area. All this legislation says is that in expanding facilities this is the area that should be addressed.

MR. FLANAGAN: Well, I've heard many -- topics discussed in this bill this evening and they're like putting apples and eggs in a basket, for the simple reason that -- a lot of it and do it rightfully so are concerned harbors and you would be yourself have two different -- you had an egg and an apple with New Haven and Stonington. And I think the beaches are probably the tomatos in that basket. And if they -- they just don't fit in together here for some unknown reason. I don't know how you can do such a -- tremendous task with one sweep. And you're not doing justice to either of the three of them. And it's -- it's going to cost a lot of money and the Department of I think a lot of the things that were spoken about, are already duties of the

MR. FLANAGAN: The other things discussed were already duties
Belt 10 of the Department of Environmental Protection which they're probably not doing. And they're not doing it -- they're not doing them willfully, but they don't have the funds to do them. I see where there budget has been -- or will be cut approximately 4 1/2 million dollars and they -- the Commissioner says that he can take care of this new plan according to Sunday's paper and -- at the top of the page he says he can do it despite his 4 1/2 million dollar cut and at the bottom of the same page you read -- a story about the enforcement of illegal hunters in East Lyme and so forth.

And the very first sentence comes up with a story about the shortage of enforcement officers. So how can they -- the DEP possibly do all of these things with the limited funds they have and the quarter of a million dollars they -- that he wants to put into this act; do we have -- the facts that Uncle Sam will give us the additional aid for same. How much of the towns themselves are going to get stuck to do this job. I have been hearing this many area for everything where -- the federal government or the state comes down and says you gotta do this, Mr. Townsman, but they don't give me the money to do it.

So the ultimate thing is it's going to come back and it's going to be the tax payer is going to get rapped twice - once from the state and one from the town. Thank you very much.

SEN. SKOWRONSKI: Thank you. Are there any other speakers. Hearing none, we'll conclude the public hearing. Thank you all for coming. Your comments were very helpful and appreciate your taking the time.

ENVIRONMENT

Groton City Hall
March 28, 1979
7:30 P.M.

PRESIDING CHAIRMAN: Representative Anderson

COMMITTEE MEMBERS PRESENT:

SENATORS: Knous, Skowronski

REPRESENTATIVES: Allyn, Tiffany, Belaga

REP. ANDERSON: I would like to welcome you to the Environment Committee's fourth public hearing on the C.A.M. bill. This has been a series over five years, actually, that we have had between the C.A.M. staff and the legislative committee, almost three hundred hearings. So, this isn't a bill that has certainly been addressed by us as a quicky bill.

The first speaker in keeping with the joint rules of the House and the Senate will be legislators and department heads. The first speaker will be Carl Stoner, Mayor of New London.

CARL STONER: Thank you, Mr. Chairman. I'm Carl Stoner, Mayor of New London and I would like to offer some comments in support of Raised Committee Bill Number 7878.

Because of New London's location along the Sound and the Thames River, it has a great stake in the effects of Coastal Area Management. For New London, development of underutilized water front is critical to its future economic survival and diversification of its economic base. However, water front use must be carefully planned in order to protect the valuable and fragile resources involved. We believe the current proposal insures that protection, but does not hinder development. In fact, water front related development is encouraged. It sets forth a shared local and state program with use of existing programs under municipal planning agencies. Broad overall guidelines for local, state and federal actions are presented with the state's role greatly reduced than was previously proposed.

Several noteworthy points, the required coordination and consistency of local, state and federal goals and policies to the maximum extent are obviously beneficial. Local authority is increased through mandatory site plan reviews for all forms of development in the coastal zone. Local

CARL STONER (Continued): authority is given to exempt uses that would have an incidental impact, such as single family housing. Builders and developers will have to submit detailed site plans to local planning and zoning authorities and indicate conformance to the C.A.M. law.

Secondly, only as a voluntary measure, municipalities could change existing town development plans and zoning regulations in accordance with the Act. Also, a municipality would be recognized as a party in any DEP coastal regulatory action. State and Federal permit application procedures are greatly simplified. Required hearings will be coordinated and held jointly. Cities would receive financial assistance to develop local management programs. As a matching share, twenty percent is required in the form of in-kind services which is not difficult to provide. Technical assistance would be offered by the State to implement and administer the programs.

An examination of Connecticut's coast line makes it very obvious that this legislation is long overdue, but it is not too late and I strongly urge that we proceed very quickly at this point and New London recommends the passage of this legislation.

Thank you.

REP. ANDERSON: Thank you very much, Mr. Stoner. Are there any questions from the Committee? None? Thank you very much.

The next speaker is Waldo Clark? (Voice in background)

The next speaker is Richard Arms?

RICHARD ARMS: My name is Richard Arms. I'm a citizen of Old Mystic in the Town of Groton and I state, simply as a citizen who owns about eight acres of Tyler Marsh, I supported this bill from its initial stages at the hearing, I guess, four years ago and I feel that the bill has been improved at each rewriting, however, we are at the zero hour as far as funding for continuation of this kind of activity is concerned, and so, it is incumbent on the Committee now, I think, to take the matter in hand and to pass this Act, 7878. I think that it has been significantly improved as far as the provisions for local implementation are concerned. Speaking as a private citizen and reading over, particularly, Section 1 in which the principle concerns of the State are laid forward, it seems to me that no one today, no thinking person can find fault with these. These seven items it concerns here are very central and important.

RICHARD ARMS (Continued): The idea is that the coastal area is not just a local resource any longer to be controlled only by those who own it, but the control should be shared and must be shared in effect through the provisions of this Act. The future of the entire coast as a resource for all, for future generations, by the institution now of a consistent plan, regulated, an equitable plan for future development, this must be ensured. So, I urge you to pass it now.

Thank you.

REP. ANDERSON: Thank you. Are there any questions of the Committee? Thank you very much.

The next speaker is George Seebeck?

GEORGE SEEBECK: Chairman, members of the Committee, I do appreciate you for all the hearings you've gone through and, again, coming down to the coast line here to listen to the comments of the town people and officials. I am a first selectman for the Town of East Lyme. I may be one of the few, but I'm here tonight to speak in opposition of Bill 7878. I feel like I could speak on it for two hours if I had the time, but obviously, I don't.

I was the leader of the Task Force for CCM. We succeeded last year in licking, in having them take a look at the bill that they had and rewriting it to its present form, so I am totally familiar with the route that it has gone. I understand CCM, Mr. Moylan in his appearance at the Capitol said CCM backed it. They did, but most of them had left there after a two hour agrument on school equalization. There were very few left in the room that day and it took approximately a five minute discussion when they gave that approval and I think the Committee should be made aware of that.

REP. ANDERSON: School equalization is tomorrow night.

GEORGE SEEBECK: School equalization is every night in the (laughter).

This is a thirty-seven page bill, fourteen hundred and some odd lines. I have read through every single line in the bill. The first sixteen pages I find not too much bout with, as most logical people could not, because it really states what the goals, examples, the ambitions of the bill are. I don't think there are many people who could honestly find fault with some concept of coastal area management.

GEORGE SEEBECK (Continued): We're all aware that it is a prize possession that should be guarded and should be protected and approved.

Most of my concern starts with Page 17. One of the concerns most officials who opposed this bill last year had objections to was that it was a mandatory bill. I do know the federal government has said they will accept certain standards, below those standards they will not fund. I know the Environment Committee has struggled to write a bill that would be acceptable to the federal government to receive a funding. I know for seven years it has been going on and so far only thirteen out of thirty states, in areas that are eligible, have formed such a program. So, the majority of the areas of the thirty still have not accepted this piece of legislation.

My concern is that it says it is voluntary participation and at the top of Page 17, it does say municipal coastal boundary may be adopted by the Municipal Planning Commission of each coastal muncipality. I know it says may, but I think even there it says planning and I think when you establish a boundary as consistent with anything we've ever had in this State, that that prerogative probably belongs with zoning and not with planning. Boundaries are a form of a zone and I really do believe it is the Zoning Commission in any town, if they adopt it, that should be the agency in control of this. Most Planning Commissions may adopt plans of development, it is the Zoning Commission in each community that must implement those plans, and Planning Commissions can be overruled by a two-thirds vote of a Zoning Commission.

The Act goes on after it says where it may list countless numbers of rules, regulations, etc. and, again, last year, again, people stressed this is not a regulatory bill. Both previous speakers have mentioned the word regulatory. Regulatory is stressed throughout all thirty-seven pages.

I have underlined, so -- I really don't want to take too much of your time. I thought I could just really get to the points I'm seriously concerned with. If we get on to Page 27, which effects the Town of East Lyme. In saying this, I would just like to add, the Town of East Lyme I honestly believe has been a leader in the environmental field in the State of Connecticut, since anybody can remember. We had the first Inland Wetlands Act; we were the first ones to have the Soot and Sedimentation Act; we will have the first Forest Station Control Program; we have been a leader in every sense of the word environment; we're the first Town to have a total recycling program, so this is not a case of not being environmentally aware. We've

GEORGE SEEBECK (Continued): been a leader in that field for years and we've been recognized as such. So, my comments are not because I'm against environmental control. We have, as I said, been a leader in every sense of the word and I would like my comments to be looked at in that vein.

When we get to Page 27, it says coastal municipalities shall undertake, not may, shall undertake coastal site plan reviews in accordance with the requirements of this Act. Site plans, plans, applications, activities, projects to be located fully or partially within the coastal boundary, etc., etc. Site plans submitted to a zoning commission in accordance with Section 15. And it goes through it in a series of four or five pages specifying what will and what shall be reviewed by a zoning commission. That to me, although I know the intent was to make this a voluntary, participating program a part of communities, it does mean in many ways it is a mandatory program and it is not as completely voluntary as people would have you believe the bill makes it. We would still have to have coastal site review. That coastal site review and activities, if I read this bill right, much of it has to be filed with the Commissioner of DEP on the coastal site reviews and if they don't like it, they can take the town to court. One provides that they ease that so-called burden as if the State loses, they'll pay the court fees. I suggest that doesn't make me feel any better.

Review of the site plan under the requirements of this section shall supercede any review required by the municipality under Subsection 9 of Section 8 we have the general statutes, which again means in addition to any applicable zoning regulations. So, there is control of a local zoning in the review process. The bill states it throughout its entirety.

I really could spend hours going through this because I have done my homework, but I think I would like to close by saying East Lyme is a unique situation and maybe I am being , but that's my job and my responsibility to the taxpayers in the Town of East Lyme. We have a unique situation with so many individual entities that have their own zoning regulations within the Town of East Lyme, seven I believe counting the Town itself. We have an extremely long coast line, just due to the part of human nature of our coast line with the Black Point and Giant's Neck peninsulas, which most communities do not have. Almost the entire Giant's Neck and Black Point peninsulas with a thousand foot proposed line would come under Coastal Area Management. The entire downtown section of Niantic, the business section of East Lyme, would come under control of the coastal zone management. The entire water front running a thousand

GEORGE SEEBECK (Continued): feet back from the entire Niantic River would come under coastal zone management. Most of the developed area that is presently developed in East Lyme would come under coastal zone management and eligible for site review. I realize there is some money to be provided by the State by the federal government, but I can guarantee if this plan is implemented and this bill is passed, not only will the State have to appropriate $250,000 as a start, which is part of the bill and which will grow next year into considerably more and more the year after, but beyond that, just to handle this site review and the work that will be involved, I'm going to
Belt have to add staff to our zoning commission. We are a
#2 small community with a minimal workforce, we have tried to hold down our costs, I do foresee that if this bill is passed in its present status, that we will be in a position, we will have to add extra people to the staff. I know the State will pay part of it, but the rest of course, the town will incur. I would much prefer if the State just did not bite on the carrot that is being dangled by the federal government for the few dollars involved and I urge the State instead to adopt a coastal management bill sponsored by the State, truly voluntary for the towns to participate in for their betterment. If the State can make such a program work, I'm sure you're going to find that the Committee's going to be only too anxious to join for the benefit they'll get. I don't think they'll get that benefit under the present program, nor do I feel that the present program is truly a voluntary program as it is made out to be.

Thank you.

REP. ANDERSON: Are there any questions from the Committee?

REP. TIFFANY: Jack Tiffany of the Committee. Sir, I think in your last paragraph you in essence answered my question, but I want to ask you again for a direct answer. Again, you feel philisophically, that the State should not enact the Coastal Area Management Plan as such, but go strictly to a State plan with no involvement with the federal government, or do you feel that this particular bill could be drafted as such that it would meet with the majority of your objections?

GEORGE SEEBECK: I don't think some of the objections I have can be met by any bill that is going to get federal funding. The feds have made that pretty clear. The federal government could cut off funds tomorrow, if they so decide to and then where is your present bill with its dependency

GEORGE SEEBECK (Continued): on federal money. I think if you're going to have a true State coastal management bill, the State should be willing to foot the bill and I think the communities would. I don't think we should pass the bill just because there's some federal money available for it. I think you have been limited within the constraints of trying to get the federal money and making a bill that's going to be parable to a lot of people and take care of the concerns they have and I think that's one of the problems with Coastal Area Management legislation. I hope that answers it.

Thank you.

REP. ANDERSON: Thank you, Mr. Seebeck. The next speaker is Representative Janet Polinsky.

REP. POLINSKY: Mr. Chairman, members of the Committee. It seems to me that every time I speak in front of a public hearing, it's you. (Laughter)

I've come here to speak not just on my personal feelings regarding Coastal Area Management, but naturally, for my Town of Waterford. As you know, I'm a firm believer in the philosophy of local control. In a survey I conducted in two of our local papers at the beginning of the session, my constituents responded in a similar vein to mine. On the question of Coastal Area Management, eighty percent responded that they favored local control; twenty percent favored state control and only ten individuals indicated that they were totally opposed to Coastal Area Management of any form.

As you know, during last year's session, I was strongly opposed to the original Coastal Area Management proposal, mainly due to what I considered the lessening of local powers in favor of State control. This year I must commend the Environment Committee on the present bill and the manner it is address and for the most part corrected those concerns. You have taken a difficult, complex, and controversial concept and turned it into a workable piece of legislation that will achieve the protection of our coastal resources while, at the same time, allowing for the retention of strong local control. No one expects any legislation that is so complex to be perfect. I'm sure that modifications can be made now and will be made in the future to make C.A.M. even better, but today, I would like to address a number of items I believe might

REP. POLINSKY (Continued): help to make a basically functional proposal clearer and more consistent. Remember, I come from a planning and zoning background and though most of my comments may seem trivial, I know the realities of how local commissions must wrestle with the actual words written up in Hartford. So, please bear with me as I go through this bill. Further, I hope you won't mind if I ask some questions so that I might better understand the intent of some of the sections of this bill. I'll try and keep it brief.

On line 126, the word highest -- back on line 69 you use the word high, I think to be consistent, you should change that word to be high. We really on a local level have tremendous problems with consistency and clarity. Along the same vein, and I ask these questions not expecting a full answer now, I can hit you up in the assembly to get the answers, but would these lines in any way prohibit some non-water dependent, or water enhanced use, from actually coming to bay because of the way this is worded? In other words, something going along in the coastal area, using these words, could anybody prevent something from happening just because it wasn't water dependent or water enhanced? That concerns me and I think it should be looked at closely.

On line 244, you talk about structures, to protect existing inhabited structures, infrastructure facilities or water dependent uses -- lower down on the same page I think you repeat yourself, but I am not quite sure. Okay, starting with -- well, let see -- I'm starting at 238, to manage coastal hazard areas so as to insure that development proceeds in such a manner that hazards to life and property are minimized and to promote nonstructural solutions, okay. And then further down on the page, I think lines 267 to 274, you again repeat that though more completely. Do you need it in both places is what I'm saying?

On line 248, you use the word urban. This may be unnecessary in limiting, only because there would be a question as to areas that weren't urban that have the same conditions. Do you mean to use urban, or is it just an incorrect semantic use? Okay?

Line 304, Page 8, you use the word dredging of new or expanded, I have no real objection to it, but I think the Committee ought to think about it. This may -- you may be sorry in the future about this. I'm not sure, but I suggest you look at it again.

REP. POLINSKY (Continued): On line 327, you use the words to mass transportation alternatives, that's on Page 9. I don't know whether -- I have no objection to it, but does it really belong in a C.A.M. bill?

REP. BELAGA: talking about transportation right along the coastline. (Inaudible)

REP. POLINSKY: Okay. On lines 353 and 354, same page, and to require the removal of illegal structures below mean high water which obstruct passage along the public beach. Goodness knows nobody can have any objections to it, except it could be tremendously expensive. Are you expecting individuals to pick up the cost of what may have been structures that have been there for ten, twenty, thirty or maybe fifty years? I can even think of state structures in my own town at seaside, huge, huge rock getties that would be tremendously expensive to do what you're talking about.

On Page 12, line 444, you use again, the word urban and, again, I question the semantics of it. For instance, Niantic Bay would fall into this category, I think, if you didn't use the word urban. I don't know what your intent is. In other words, I understand building on areas that are already built-up, but are they all urban? In other words, I'm just questioning, it's a semantic question I'm giving you.

On lines 531 and 532, Page 14, degrading visual quality through significant alteration -- I just wonder if that may need clarification. Could somebody living 800 feet back let's say, from the coastline try to keep somebody else from building, let's say, a home because a clump of trees will not be visible to him? You know, I'm just laying thoughts out for you. I don't think that's your intent, I don't know whether it needs clarification, I'm throwing these out to you.

Line 623, Page 16 --

REP. BELAGA: Before you go onto the next section, what you have been dealing with are old policies and definitions and I think in context what they're really trying to do is to give the local municipality the framework to address some of the applications that come before them. Any one taken out like that alone without putting it in relation to the others on the list, you will lose a bit. It's

REP. BELAGA (Continued): really a fact that the local municipality might be interested in dealing with a list looking a plan or proposal to see whether that proposal really does diminish the division of the water in large measure. So - it isn't the only factor but it is one of the things that citizens really are concerned about..... context.

REP. POLINSKY: I'm not saying, "take it out," what I'm saying is just to make sure that it isn't used as an excuse to stop almost anything. Okay.

REP. BELAGA: Right. Well you know any one of those could be...

REP. POLINSKY: I think that's a concern that's...and that's probably why it's been so difficult to come up with something that is...you know...bring it to this point.

On Page 17, line 646 - you talk about boundaries and using a road or some kind of easily identifiable boundary marker, so to speak, as long as it doesn't diminish the area. Maybe you should build a little more in flexibility and say, "substantially diminish," or whatever. If there were a road, let's say, 10 feet, that would diminish it by 10 feet, I would hope that it could still be used.

Want to get to Page 19, section 6, on the financing thing. My personal feeling is that this section should be written in such a way that municipalities get a larger portion of the funding that is available. They are the ones who are going to be bearing the brunt of the expense, whether they choose to a first program or not, certainly they're all going to be doing coastal plan with you and, while nobody has come up with a cost that everybody can agree on, it is going to be costly. I think that unless and until it's proved that it won't be costly as the 30 percent figure would indicate, I would try and give more money to the communities than that section of the bill allows for. I would also suggest that in that same section the words, "reference to research projects," be deleted in that the federal mandate, in any way, require research. And I can see, and now I'm speaking as a member of the Appropriations Committee, somewhere down the line DEP coming to the Appropriations Committee and saying, "We must have more money because when you passed a bill called Coastal Area Management and it requires that we do research.

REP. BELAGA: What line is that?

REP. POLINSKY: Line 749.

REP. BELAGA: Thank you.

REP. POLINSKY: It's in several places throughout the Act but
Belt that's...Okay? If it's not so, then fix it. Again as a
#3 member of the Appropriations Committee, I have some questions on how the proportion that the state...the DEP will obtain will be spent. I don't expect any answers now but I would be very interested, aside from research, aside from necessary personnel, aside from the mapping, what are things...how else would those monies be spent? I have seen too often where the State Government says well you must have matching because there's so many federal dollars availabe. Well, if we don't really need all the federal dollars, let's not ask for them. All right, because we have to put up matching funds.

On the section - on Page 20 again - 1, it refers to the fact that if not all of the 20 percent for Coastal Area Management Program isn't spent, it goes back to the Department for their use. I would prefer to see it go back into the money being allocated to the municipalities for site plan use.

Page 24 - again this is just a rhetorical question that you might want to look into - lines...starting at line 17, Do you foresee planning and zoning commissions holding public hearings? After the comments from the DEP Commission are received, I think you have to look very carefully at the planning and zoning time limits there.

REP. BELAGA: Give me the number of line, please.

REP. POLINSKY: Line 917, right at the top of page 24. Just something to look at.

On Page 27, starting with line 1056 or 1057, you say a coastal site plan should include a plan showing the location, and then you go on from there and talk about design, timing, and methods of construction; an assessment of the capability of the resources - I think if an individual, I'm talking about the small guy who really has a tough time fighting with bureaucracy - he doesn't understand it in the first place - if an individual is coming in, whether to build a home, small office, if it is fairly obvious to the municipalities or the Commission involved, that there is really no environmental concern, why don't you build in some flexibility so that the Commission could say that it's at it's discretion - or something - so that the individual, and I know you have the exemptions, I know about the exemptions. But I'm talking...even a municipality that wants to

REP. POLINSKY (Continued): put in a playground, something that obviously is minimal, that is on land - all you have to do is to look at the maps and you can tell right off the bat if you've got a severe problem, or even a possible problem coming up - why not put more faith in the local commission and give them a little discretion so that the little guy doesn't always have to go through all of this, if there's not a possibility that a...there will be a detrimental effect.

REP. BELAGA: It seems to me, Jan, that that would be included in the municipalities - they would application and have a on the staff who could look over and review this, too. of the local authority to say you really don't pass any of the things that we are concerned about to help to ease that process through.

REP. POLINSKY: Well, I agree with you and that's probably the way it will be carried out; but the Act doesn't read that way: a coastal sit plan shall include - now the individual, whoever it is, has to give you a coastal site plan. We're telling him he has to do all these things. Maybe you should put in a sentence that says, "but at the discretion of the," - do you follow what I'm saying?

REP. BELAGA: Yeah, I see...

REP. POLINSKY: I have approximately the same comment to make on Page 28, at the bottom of the page, starting with 1103. Here the individual, again, has to demonstrate that he's not going to do anything detrimental and that's fine, and as it should be, but maybe, again, some flexibility should be put in so that if the Commission, or the planner, who has a lot more expertise than the individual, they can say obviously your thing isn't going to be problem. Maybe a brief paragraph would do it, you know. And I would hope that probably...and I would assume that most municipalities might do it that way, but maybe you can make it clearer, I don't know.

On Page 30, "twenty-five residents" - this is at the top of the page - 1149 - line... "twenty-five residents of in the municipality in which an activity is located or residing in an adjoining municipality." Again, to be consistent, later on in Section 19 you say within 500 feet in an adjoining municipality. Why don't you use the same consistent wording there.

REP. POLINSKY (Continued):

The top of the next page, Page 31, line 1191 - and this is, again, just a personal feeling of mine - I really think that single family residents should be totally excluded. Whether you can do this, I don't know, but I...it's a strong feeling of mine that single family residents should be totally excluded so that a municipality may exempt single family residents - period - in the following coastal resource areas. I would delete, in other words, the last portion of line 1191 through 1194.

REP. BELAGA: I think the attempt is to look at some of the (inaudible) other categories very vulnerable ones (inaudible) due process - those are the areas (inaudible).

REP. POLINSKY: I - well, we've talked about this...I just wonder how many homes are ever going to be build where it's really going to do damage to the environment.

Line 1298, Page 33, again we use the word, "research."

Page 34, line 1341, 42, 43 - the wording there is a little complex, maybe you could just say on line 1341, "occurring within 500 feet of the coastal boundary," maybe that might be clearer.

And, thank goodness, that's sums up my comment. (laughter)

I have just one last suggestion. I would hope that upon passage of the bill, and I do hope it passes, the camp staff would prepare and send to each commission and board some kind of a checklist, but not more than 2 or 3 pages, attention spans being what they are, to aid in site plan reviews. No commission, in actuality, works with a copy of a bill of this length and complexity, as it's right hand. Okay. Thank you.

REP. ANDERSON: Any questions from the Committee? None. Thank you very much. I notice in the audience, we have two senators, Senator Richard Schneller from Essex and Senator Mary Martin. I would like to recognize them. I don't think they want to speak but I'm happy to see that you've taken the time to turn out and see what's going on.

The next speaker will be John Shields, followed by Whit Davis.

JOHN SHIELDS: Thank you very much. I'm attorney John Shields, I represent Groton Long Point - I'm a municipal counsel. I'm here at the instruction of the municipality to oppose the adoption of this bill. Based on Planning Report No. 27, we had the comforting feeling that this was primarily a plan bill. We find now in 7878 that it is not. If, in fact, it were a planning bill, we have the Southeastern Connecticut Regional Planning Agency, as well as our own planning agency, and it seems to me that it would be completely unnecessary because it would simply add another level of bureaucracy.

However, careful reading of the bill will indicate that it is completely regulatory, for instance - and supercedes what you might call local government in the zoning and planning field. First, the Commission...it provides the Commissioner shall have overall responsiblity for general supervision of the implementation of the Act in order to assure - these are mandatory words - but, you could say that's a mere implication, but it gets clearer as it goes along. Section 22, "The commissioner shall coordinate the activities of all regulatory programs under his jurisdiction with the permitting authority in the coastal area to assure that the administration of such programs is consistent with the goals and policies of the act." Now that is mandatory regulatory authority, and we see what it says he has to regulate. It lists quite a few, including wetlands, etc., but unfortunately it provides shall include, whether or not limited, in other words, referring back to all programs in the coastal management area.

Now, it goes on and get worse. "The commissioner shall consider such goals and policies in granting, denying or modifying permits under such programs." In other words, the local planning commission, zoning commission, zoning board of appeals, would lose complete authority under this act. Now if that is not so, I suggest that you clean up your act so that it doesn't read that way.

Now, we, in Groton Long Point, are perhaps the only municipality in the whole State of Connecticut that is 100 percent in the coastal management area so, naturally, we are concerned. I will not...I was prepared to say much of what Representative Polinsky said because a careful reading of the bill will indicate that it is very poorly drafted. She failed to mention, I suppose because they will be corrected, numerous misspellings in the bill, also many inconsistencies and things that are readily not clear. The definition section should be expanded, the rest of the bill should be contracted. There is no reason why a

JOHN SHIELDS (Continued): program of this nature should take thirty-seven pages to set it up - much of it is repititious.

So that we feel, first, that the bill should not be adopted in its present form because it is too regulatory. Secondly, if it is to be adopted in any form, it should be cleaned up. A person of ordinary intelligence should be able to read this, and understand it, because these people that you're going to be dealing with - you're dragging into this every regulatory local agency along the coast, and these people have to know what they are doing.

Now I note, ironically that somewhere here you provide that the commissioner, when dealing with these people, shall be clear in his language. I suggest that you apply the same standard to yourselves. Thank you. (laughter)

REP. ANDERSON: Any questions from the Committee?

JOHN SHIELDS: Oh, yeah, sorry.

REP. ANDERSON: Thank you very much. The next speaker is Wit Davis.

WIT DAVIS: Mr. Chairman, members of the Committee, I have several
Belt hats to wear tonight. First of all, I am President of the
#4 Independent Agricultural Association of Western Connecticut, ...of Western Rhode Island and Southeastern Connecticut. We're quite interested in the agricultural part of your bill. I only had a copy of your bill just a few days - I haven't had enough time to study it - I've been following your publicity quite well in the newspapers, and we hope that there will be some exemptions for agriculture. I, myself, have the last of the operating provision farms in the Town of Stonington, operating under our family since 1772. And on a home farm of 250 acres, within the tidal/hurricane line of 1938, your 1,000 foot line, my entire farm comes under that jursidiction - entirely - my house, my barn, machine sheds, and my small farm plot, chicken coops - everything comes under that entirely.

It's kind of hard to think that we've got to go through the permit system to put up a chicken coop, 100 beds or so, something like that. I assume that we'll have to and most of the other farmers in agriculture down along the state, they must be in the same fix, and we don't think that's quite right. I have a...a lot of that is also under title lands - probably about a mile short front altogether - of which I've got about 300 feet that is not regulated that has marsh of anywhere from 5 or 10 feet to 200 feet in front of it, so it's practically useless as far as the permit system is concerned.

WIT DAVIS (Continued):

I have another farm we bought in 1942 - two miles from the home place - 150 acres. Out of 400 acres, ladies and gentlemen, I've got 15 acres that does not come under tidal wetlands, inland wetlands, or camps, yet I am privileged to pay the taxes. Thank you very much everybody, that's nice. That isn't quite fair, I don't think, of course that's from a personal point of view.

Also, this past winter, I gave to the Land Trust 10 acres of prime marshland - and I mean PRIME - it's the key 10 acreas of a 40 acre marsh that's historically situated at the Little Narrangansett Bay called the Continental Marsh because my family had just bought the farm recently, and didn't have any money to give to support the Revolution so they designated that marsh and whatever came from it in the line of feed. That marsh was feed marshes... types of grasses that the cat...the cattle or horses would eat, it was stacked, and when Washington's scout came through, my family ancestors loaded down ox carts and carried up into Groton where the campsites were, to follow the supply animals and whatever grasses...the variety that the cattle stock would not eat, and there are two of those varities, was carted up into the north end of town, which is now Stonington now, and sold for mulch. That money was kept separate and that was sent in toward the war effort.

I gave the 10 key acres of that to the Land Trust, and I gave it - God knows I need money enough - to keep the State of Connecticut's hands off that marsh. (laughter).... Now, my reason for that is that adjoining my marshes we have the VonHymen marshes, whereas the State of Connecticut has willfully destroyed 100 acres of fine marsh, and I want to know just where in H..l the justification is for them to come down and tell us what we can do, what we can save and what we can't. Now, if they would take those marshes and turn them back to nature, they could probably reclaim them in 20 or 25 years - maybe the pill wouldn't be so hard to swallow. But when they run roughshod over those prime marshes that they have, and then come around and tell everybody else in the state from Rhode Island to the New York line what they can do, that doesn't seem quite right.

I'm not here to criticize - I'm just here to make a point. (laughter).... Now, I am also past Chairman and a member of the Stonington Conservation Commission and Vice Chairman of the Stonington and New Rutland Commission. Our entire...

WIT DAVIS (Continued): we have...well we've finished sewerage districts - Mystic and Stonington - and Pawcatuck will be completed this summer, we hope. And, again, all three of those sewerage districts come under the regulations. In other words, if you want to put up a little shed for your lawn motor or to keep your tools and wheelbarrows, etc. in, do we have to get a permit?

REP. BELAGA: No.

WIT DAVIS: Are you sure? Well, that's fine to know that at present we don't have to. That's good. As I say, I haven't had time to read the bill.

Now, it seems that it's being quite stringent. I helped draw up the regulations for the town of Stonington for the inland abutment. Up until now they've worked pretty well. We'll hit a snag sooner or later, and when we do we probably wished we'd never seen them, but nevertheless up to now we've been doing quite well with them, and they're not that stringent. We can work with them - people come in, and rather then to tell them what they can do or what they can't do, we make suggestions - we help them so that they can make some use of their property. .... just move their house or septic systems back further from the rutland, nevertheless they can still use their lot in 95 percent of the cases.

Now, as far as the marshes are concerned - the Coastal Area Management - I would like to know if anyone on the Commission can tell me here and now what percentage of the people living in that area - what percentage of their property rights are being eroded. And, if they are being eroded to a major amount, how about a major reduction in the assessments? If you're going to control it, why should we pay for it?

Now, the best thing to do for this state is that you're going to go hogwild, Jimmy Carter is and everybody else is going to spend money like it's going out of style, acquire the deeds,then you can do as you d n well please with it.

In the event that this isn't made a little more flexible - a little more lenient - I'm not going to make any threats, I'm not that foolish, I don't think, not yet - even though I'm getting a little old. But, nevertheless, I can promise you that there will be a land-owning rebellion started between the Pawcatuck River and the New York line - I've already laid the foundation for it - and we're just waiting to start. (laughter) Now, we have got to have something

WIT DAVIS (Continued): here where you have some home rule. There's just as good brains in Stonington, Waterford, Lyme, Groton, or any other shore town, as there is anywhere, probably they understand it a little better than those that come from the cities up country - upstate. And, some of us are pretty fed up. It's kind of a hard pill to swallow.

Now, if you have any questions, I'd be glad to answer them if I possibly can.

REP. ANDERSON: Are there any questions of the Committee? Thank you very much.

WIT DAVIS: Thank you.

REP. ANDERSON: The next speaker is Lee Canne.

LEE CANNE: Mr. Chairman, it is McCanne - the e on the end simply makes this a French branch of a Scotch family from the north of Ireland. (laughter) I live in Old Lyme. I work as manager of the Marine Commerce and Development Committee in New London. We have not appeared at the hearings like this in the past. We have some feeling that perhaps as a result, you may feel that "nobody is minding the store" in New London harbor.

The Marine Commerce and Development Committee is in its third year of promoting citizen and tourist activity interest in New London harbor. It consists of 15 citizen members and 200 volunteers. Mayor Stoner, Councilor Rubin M are members. This Committee has a staff of two persons, there's a third in the summer. It meets nearly every Tuesday afternoon. In addition to boat races, concerts, fireworks, and other attractions, the Committee is interested in the economic well being of New London. We notice that Section 3, article 16, of the proposed Coastal Planning Area Law, Bill No. 7878, defines "water dependent uses" as compared to "water enhanced uses" in article 17. It would our aim to provide a reasonable overall balance of facilities and occupations for New London harbor with specific aims as follows: first, beaches - people need access to the ocean. In New London, if we did not have ocean beach and many smaller beaches, this would work top priority for Coastal Area Managing. Marinas - marinas are highly desirable - there is a shortage of slips in the summer and storage facilities in the winter. New Yorkers are beginning to commute to New London, via Amtrak or auto, for sailing weekends. On the other hand, marinas, like marsh farmland, are being taken over here and there by "water enhanced," not

LEE MC CANNE (Continued): "water dependent" condominiums and local housing developments. New Londoners need help and consideration.

New Londoners need more back-up dealers in marine hardwares and supplies. Quite often, the New London telephone directory, yellow pages, refer captains and skippers to Bridgeport, Essex, Norwich or Providence. and New London County subscribe to yellow-page listings only every other year, that users did not discard last year's telephone directory. (laughter)

Third, recreational boating facilities - New London is well endlowed with and launching ramps, yet each year there are more boats to accommodate. We want commercial fishing - New London needs a shoresite icehouse with water, deisel oil and other supplies if we are to attract more fishing boats, and larger ones, than the rod and reel and lobster pot fisherman who live here now.

Steps are under way to have a consultant study five or six potential sites and make recommendations about them.

The 200 mile limit wearing out foreign-flag fishing boats is attracting more American boats. I understand it's gone from 1,000 to 3,800 in this part of New England. And larger vessels built the fishhouse aside Long Island Sound. Instead of just down to fishermen, we should prepare to serve trawlers which will remain at sea a week or more.

New London is unique among Connecticut harbors in being a natural deep water harbor - although some dredging is scheduled so that the trident submarines can turn around with the strong flow of the Thames River to keep it from floating in sediment. We're fortunate also in being at the Atlantic end of Long Island Sound - only an hour or two farther from the grand bank and ports in Rhode Island and Massachusetts. We have tremendous opportunity to increase the activity of fishing boats in our harbor.

Fifth, commercial traders - this is the most unutilized aspect of New London harbor in our opinion. New London has the potential to be more like Sweden, or B in Germany, or Marseilles in Southern France. Sailors usually bring in goods to be transhipeed by truck or trailer, or train, or canal boat, to people near at hand or far away. They service lots of people - they generate taxes for the port city. Traders work majestic from the shore of the beaches - outboard motor boats, sailboats,

LEE MC CANNE (Continued): fishing boats, and ferrys will steer clear of them, of course, but the overall ports mentioned above have been seasoned to have a balanced economy or mixed where "water dependent uses" operate beside "water enhanced uses," such as, homesites, hotels, stores, stands and resorts. We want an overall mix of economic and social uses for our waterfronts.

One reason for our underutilization have been two bottlenecks to high containers, our triple-deck automobile transporters on the Central Vermont Railway, which runs from New London harbor to Montreal. One bottleneck - a tunnel at Bellows Falls, Vermont - has been corrected. The other - a bridge at Norwich, Connecticut - will be corrected in 1981. We want to preserve whatever needs to be preserved during those two years.

Belt #5

Another bottleneck at our harbor is costly operations of the port as compared with New York Boston, and elsewhere. This is partly contractual with Connecticut sharing the profits when profits reach a certain level. One is related and volume, and the other is the absence of export commodities to refill the cargo space of imports, and we're facing these problems and we hope that Coastal Area managers will help us solve these problems since the foregoing points are consistent with good coastal area management and we approve of the passage of Bill No. 7878.

REP. ANDERSON: Any questions from the Committee? Thank you very much. The next speaker is Michael Moore followed by Susan Merrow.

MICHAEL MOORE: Representative Anderson, members of the Environment Committee, my name is Mike Moore. I'm Executive Director of the Connecticut Construction Industries Association which is a statewide association which represents those people and companies who are engaged in dredging operation; represent land developers, not only the coast but throughout the state; those people who build marinas; and others who would make use and develop those areas that we regulate here under the Coastal Area Management Plan.

I wish for my Association this evening to testify in favor of this bill, but we would offer several suggestions in the line of.....following Representative Polinsky.

The primary concern, I think, of business people, whether you regard the coast...those coastal areas as being sacrosanct, no building at all, or whether you say, as I think

MICHAEL MOORE (Continued): most people do, that building is all right as long as there are certain restrictions that are following certain codes - certain policies. The developer, we feel, has the right to know and to know expeditiously whether his particular property can be developed and the concern of our association is that the policies enacted under this be as clear as possible so that any potentiality of lawsuits, delays in time, and, therefore, money, be reduced.

To that end, I would like to look at some words in this bill which I think are subjective in intent. There are only about 12 of them. I would ask the Committee to take a look at these bills...or these words, and if they feel that they are subjective and could be defined either in the bill specifically - I know it's already 37 pages long - but, either in the statute itself or perhaps introduce some regulations, I think it would be very helpful for those people who already own land as far as letting them know what they can or can't do.

For instance in Line 157, we talk about tank farms which can reasonably be located inland, and it seems to me that the word "reasonably" is such a subjective word.

REP. ANDERSON: Do you know if we ever defined "reasonably," we'd put every lawyer is business out of business. (laughter)

MICHAEL MOORE: That's one thing I wanted to say to you, that as an attorney...

REP. ANDERSON: I was going to say that you should be the last one who would ever want to define that.

MICHAEL MOORE: Well, I tell you if we could do a good job at that, I realize it would put a lot of us out of business, but as far as representing developers, I think, and, as I say, people who own the land, we could try to determine at least what policies we regard as being reasonable for the location of tank farms mentioned in this line. I know it's a tough job and there are several other places where it occurs - in fact, in line 193 - it's on the next page - it says that we must require "reasonable mitigation efforts where development impacts upon historical buildings, etc." Once again, it would seem to me that talking about local jurisdiction and state jurisdiction that one's interpretation of what is reasonable may conflict with the other. So we have a problem of appeals - local, state and, finally, once again into the courts.

MICHAEL MOORE (Continued):

On line 207, we talk about...the bill talks about "healthy intertidal communities." I don't know what that is and not having that much experience or background in this area, it seems to me though that any degradation or any addition, any improvements, modifications to these coastal areas might hurt something in that environment, and, therefore, impede a"healthy intertidal community."

Line 217, it says that we can't unduly interfere with natural processes of erosion." Once again, I don't know what "induly...unduly interfere" means, perhaps there is some standard that could be set out there, in that particular line of the bill.

Going over several pages to line 321 - and I believe that was mentioned by Representative Polinsky, "unduly impair the visual quality of the shoreline." I'm not sure what "unduly impair" means and it would seem to me that's subjective and that certain people could say that any building or anything, a pier or whatever, once again impairs the visual quality of the area.

Line 353, it's another use of the word "reasonable." It says, "the public beach below mean high water should not be unreasonably impaired." I think Representative Polinsky talked about that also.

Line 514, "degrading water quality through the significant introduction into coastal waters of suspended solids, etc." Once again, when does an introduction into these waters become significant - there must be some identifiable point which the drafters feel may become significant. That lets somebody who is going to dredging, somebody who's going to going to some type of building, have a standard by which he can judge his performance.

Line 531, or on line 529, there's another "significant." Line 531, again, talks about, "degrading visual quality."

Line 539, "degrading tidal wetlands."

And line 541, "significant alterations of natural characteristics."

And, leaving the policy section, and going into line 884 - I think I left the policy section, yes - line 884 and 899 talk about the, "wise management of coastal resources." It's certainly a matter of difference of interpretation and

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MICHAEL MOORE (Continued): perhaps everything that's gone before, in the policy session - those first 20 pages - defines what "wise management of these coastal resources" is - I don't know, but perhaps some mention...significant mention that the foregoing constitute a "wise use" or "wise management" - that would be in order there.

I have these written out, these specific comments I've made this evening - it's not typewritten or anything, it's long-hand, I think you can read it - I'd like to leave it for the Committee if you consider any of these things, as I say, I think from a developer's point of view, or from anybody who is thinking about developing their property, at least this would give him some concrete idea of whether it's possible, desirable or not. Thank you very much.

REP. ANDERSON: I wish you would leave it. Any questions of the Committee? Thank you very much. The next speaker is Susan Merrow followed by Linda Krausse.

SUSAN MERROW: I'm Susan Merrow and I'm Chairman of the local Southeast Group of the Sea Air Club and I would like to urge your support for House Bill 7878.

The 1979 Coastal Area Management Act being proposed by the Environment Committee deserves to be raised and passed by this Legislature. The most important for supporting this legislation is, of course, that it will help protect our remaining resources along the coast. However, in the process, it respects the roles of local municipal planning and building agencies in carrying out site plan reviews. It provides funding and/or technical assistance to local towns and it fulfills the necessary requirements for federal approval.

We understand and support the need for strong local control in local improvement area in the Coastal Area Management Program and we believe that the proposed bill ensures this. We believe the site plan review and the voluntary municipal coastal program, its specific goals and policies and specific criteria, and the technical and financial asssistance to the town, combines to provide a unique planning process to guide future growth along the shoreline. Seldom to my knowledge has such a massive effort been made by policy makers to involve the public and to foster healthy cooperation between levels of government. The CAM staff, the Environment Committee and its CAM subcommittee are to be congratulated for being responsive to the concerns of Connecticut's citizens and officials. House Bill 7878 is a

SUSAN MERROW (Continued): good bill. Please do whatever is necessary to insure its passage into law. Thank you.

REP. ANDERSON: What town are you from, Susan?

SUSAN MERROW: I reside in East Haddam.

REP. ANDERSON: EastHaddam. Thank you very much. ....Clinton Brown.

LINDA KRAUSSE: My name is Linda Krausse. I'm the town planner in the Town of Ledyard - one of your coastal towns. I'm also a resident of Groton and I currently serve as an alternate for Sidney Van on the Coastal Area Management Advisory Board.

The Ledyard Planning Commission is generally supportive of the concept of coastal management, however, due to the brief time that Bill 7878 has been available in print, the Commission has not had time to review the details of the legislation. They want to know if they will have an opportunity to comment during the coming week perhaps.

REP. ANDERSON: Until Friday.

LINDA KRAUSSE: Thank you. For this reason, I'm speaking primarily for myself from my own experience in local government. The Coastal Management Program for Connecticut is overdue. I'm not naive enough to think that this program will be a panacea for all my troubles, but I do believe that the increased awareness of coastal resources, which will result from this program, will help the town avoid a lot of potentially costly future mistakes.

One example of such a mistake that would have been avoided under a program like this is E Point Beach in Groton. The town has spent a fair sum of money to develop beach facilities in an area where the current brings in great globs of seaweek, making the water virtually unswimmable. The town is now considering a swimming pool as a substitute. A good understanding of the coastal effort system could have saved a lot of time and money for the town of Groton. The awareness of coastal potential and limitations will be the chief benefit from coastal management.

will take a while to evolve once the program gets under way, but I've seen it happen over the past five years with the Inner Wetlands Program. For three years I was chairman of the Groton Inner Wetlands Agency.

LINDA KRAUSSE (Continued):

Another point I'd like to emphasize is the importance of passing a federally appropriable program. Both the federal funding and the federal consistency provisions are very important benefits. Federal consitency provisions are particularly important in this end of the state where we have such strong federal presence. Federal funding is essential for the successful initiation of the program. During the start-up period, the need for technical assistance will be the very greatest. Old dogs, including planners like myself will have to learn some new tricks.

The local commissions will have to assume material. I look forward to much help from the state in the way of workshops and guidebooks - as much as the Inner Wetlands project provided technical assistance to the starting up inner wetlands agencies here.

As a side note, I'm sorry to find that there's no mention of the Six Coastal Regional Planning Agency. It is a possible source of assistance who has a review body when municipal coastal plans and regulations are proposed.

You have in the bill a period when the plans and the new zoning regulations, under the Coastal Program are sent to the Commissioner. I might suggest that they might also be sent to the Regional Planning Agency at that time. Maybe this is implicit in the bill, but it would be nice to see it more explicit.

There has been a great deal of publicity, at least locally, about potential costs of implementing the CAM program, particularly in the Town of Stonington. Now I certainly don't know the particular situation in Stonington as well as their planner - and he's here tonight, maybe he could shed some light on that subject. I sense that the estimates that we read in our local papers - of about to $45,000 per year - are maybe based on doing an ideal job with top of the line prices.

REP. ANDERSON: Just one moment, please.

LINDA KRAUSSE: Stonington does have a large underdeveloped
Belt coastal area and in that respect its cost will be higher
#6 than many other towns. It's also experiencing heavy development pressure and it may be that Stonington is our worse case example. I know that Bob Birmingham, the planner, is heavily burdened and has sought an assistant in the past.

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LINDA KRAUSSE (Continued): I think he presently hopes he might get one in this year's budget. Perhaps the additional requirements of CAM might seem overwhelming to the Town of Stonington at this point, and I heard the gentleman from East Lyme, be concerned about the same thing.

In Ledyard we have a much smaller, less complex, coastline. It's a river coastline. Most of our development pressure is taken place further inland. In speaking with Bob Birmingham in order to compare costs, I find that our surveyors and engineers in the town of Ledyard appear to charge less than those in Stonington. I feel that our Town Hall staff, which includes , the zoning officer and myself, as far as land use is concerned, can absorb the added weightload - CAM - with a little juggling of our time. There will be certain minimal costs for mapping, public hearing, and printing any new regulation. I don't see this as being terribly expensive. I will, however, expect to consult the state's CAM people quite a bit. I think the smaller towns that don't anticipate the need for an additional staff person to deal with this, that state assistance is going to be a very important aspect of this program.

The only potentially big cost that I can see will be if we are unlucky enough to be involved in a court challenge of a precedent setting nature. This is a potential hazard of any new legislation, however.

I'm pleased that your funding formula recognizes the difference between Stonington and East Lyme, and Ledyard, and Groton, and Preston. Our needs are very different. The original flat grant approach didn't really recognize this as much and the latest version is a substantial improvement.

In closing, I would like to urge the Environment Committee members to give this bill your full support. It's a much needed piece of legislation - it's a good bill and I'd like to see it passed as soon as we can.

REP. ANDERSON: Thank you very much. Are there any questions from the Committee? Thank you. The next speaker is Clinton Brown.

CLINTON BROWN: Mr. Chairman, members of the Environment Committee, I'm Clinton Brown, the Waterford Town Planner. Of the considerable number of CAM bills that have been proposed in the past, I believe that Committee Bill No. 7878 is the most reasonable proposal yet offered. Its reasonableness lies in balance structure between economic and environmental

CLINTON BROWN (Continued): interests and the shared state and local management framework which is proposed - voluntary municipal coastal programs and mandatory site plan review at the local level to insure that local decision making will remain local decision making.

My individual concerns with previous pieces of legislation, such as the role of the federal government of technical and financial assistance requirements, local authority and the coordination with existing planning and zoning statutes that are currently in effect have all be adequately addressed with this particular Committee Bill. I personally feel Committee Bill 7878 represents the best alternative that can be developed for Coastal Area Management in the State of Connecticut. Thank you.

REP. ANDERSON: Thank you very much. Any questions from the Committee? Thank you. The next speaker is Ruth Hoffman, followed by John Rankin.

RUTH HOFFMAN: My name is Ruth Hoffman. I am a representative from the Town of Stonington to the Southeastern Connecticut Regional Planning Agency and am speaking on behalf of the Agency.

The Agency has reviewed Bill Number 7878, to establish a Coastal Area Management Program, and has voted to support the bill. We believe that a Coastal Area Management Program will be of benefit to Connecticut and that the present bill offers a means to conduct the program without severly disrupting local land use control. We urge that the bill be voted on favorably.

The Agency has three specific suggestions for possible changes in the bill. First, we believe it would be desirable within Section 2, Legislative Goals and Policies, to add a policy that programs and decisions affecting the coastal area be made with consideration of intermunicipal implications.

Second, we recommend that subsection (d) of Section 8, Guidelines for Revising a Town Plan of Development, require submission of the proposed municipal plan revisions to the appropriate Regional Planning Agency for advisory review and comment at the same time the plan is submitted to the DEP Commissioner.

Third, we recommend that subsection (b) of Section 9, Guidelines for Revising Zoning Regulations, require submission of the proposed revisions of the local zoning regulations to the appropriate Regional Planning Agency for the advisory review and comment at the same time the revisions are submitted

RUTH HOFFMAN (Continued): to the DEP Commissioner.

These three recommendations are intended to reduce the likelihood of intermunicipal di-ficulties resulting from the coastal program and to increase the likelihood that regional needs and concerns will be considered in the development of the local coastal management program.

Thank you.

REP. ANDERSON: Thank you. Are there any questions from the Committee? Thank you very much. The next speaker...

JOHN RANKIN: Mr. Chairman and members of the Committee, I am John Rankin, Chairman of the Coastal Area Management Advisory Board. Most of my ammunition has been shot earlier in this hearing. Much of the opposition has been shot away too by the others, so I don't think I'm going to bother you with too much of what I had prepared. As Chairman Anderson mentioned, it has taken over five years actually to get to this point where we do have something into which we can set our teeth and do a job with respect to maintaining our coastal resources.

I am reminded of the two, and this is the one, John. I am reminded of the two World War I veterans who I met the other day on the beach. And they were sitting there watching the college girls going down on the beach there at Fort Lauderdale, and one says to the other, "what about it?" And the other one said, "well, you remember back there in 1914 when they put saltpeter in our food?" And the other one said, "yes". The first one said, "well, it's just beginning to take effect". And this is the way I hope that that did--that this bill is taking effect.

The major emphasis of this bill is on local control. It is not an attempt to initiate a new agency, nor to give more power to an established agency. We all know what happens when federal or state governments decide on coastal affairs. The local community frequently gets short stripped. Once this bill is passed and implemented, all three agencies must abide by the program established - federal, state and local. This program is then under the authority of the local municipality.

I call your attention to a situation in Rhode Island where Coastal Area Management is under state control. Town officials in North Kingstown ordered the B Division of Electric General Dynamics to stop work on an automated ship assembly

JOHN RANKIN (Continued): facility it is building there. The order stems from a dispute between the town and the state over how much authority local officials should have over industrial development of the former Quanset Point Navy Base, where the plant is being built. The town council ordered the town building inspector to post a stop-work order. E. B. officials ignored the order because they had a valid state work permit. The council contended that E. B. should have taken out a town building permit and sought variances from a town's zoning ordinance before beginning construction. However, the legal counsel for the Rhode Island Port Authority and Economic Development Corporation said the town's actions were unjustified because E. B. leases the land from the state.

This is but one of the many examples that could be sited as possible happenings in Connecticut under our present system. Passage of this bill would put the authority where it belongs - with the local municipality. For this and many valid reasons that have been and will be presented to you, this bill should be passed; and I hope it will.

REP. ANDERSON: Any questions of the Committee? Thank you very much. The next speaker is Mary Walton, followed by Frank Sheetz, I believe.

MARY WALTON: My name is Mary Walton, and am here to represent the Save our State Committee, which is an environmentally oriented committee with membership throughout the state. I am pleased to be here tonight to say that we feel Bill 7878 is worthy of our support. I have followed the vicissitude of Coastal Area Management legislation for the past four years and know the urgency there is to protect our coastal resources. Too much development has been left to chance. These scarce resources have been and are now still endangered. Vital marine and recreational resources have been dissipated. Erosion and man have demuted many areas. Our shoreline has been left at the mercy of chance and haphazard growth and development.

With Bill No. 7878, we have a great opportunity to put a halt to this type of disjointed growth and to institute a program that will benefit both the environment and the economy of Connecticut. This bill, as we see it, is a masterpiece of consolidation of conflicting viewpoints that have torn previous legislation and legislators apart. This is truly the product of public participation that has been accepted and listened to and incorporated into the

MARY WALTON (Continued): goals and policies, the guidelines, the criteria and the enforcement procedures. I do not see how any critic can speak of state dictatorship in this bill. The municipalities have the complete control over how their communities will address themselves to the protection of our shorelines and its resources within their towns. The guidelines have been spelled out. Assistance is being provided. The federal and state governments will have to pay heed to the municipal authorities when they wish to construct on the shoreline.

We are very pleased with the legislative goals and policies, especially so with the concept of making use of, and I quote "rehabilitation, upgrading and improvement of existing transportation facilities as a primary means of providing for transportation needs in the coastal area" unquote instead of building new highways and disturbing the ecological structure of the shoreline.

It seems to me that this bill addresses every possible interest group and provides for these interests. I can only repeat that the writers of this bill did an excellent job in answering all the objections and problems raised over the last four years and have emerged with a bill that we can fully support. We believe Bill No. 7878 will encourage further development in suitable areas and will protect those areas unsuited to development. We urge your Committee to give it your approval.

REP. ANDERSON: Thank you very much...

MARY WALTON: I'd like to add one more thing, I am also the representative from the Town of Bristol to the Southeastern Connecticut Regional Planning Agency. And as such, I would like to endorse the sentiments expressed by Mr. Hoffman and Mrs. Krausse on the role--the possible role of the Regional Planning Agency in the workings of this bill.

REP. ANDERSON: Are there any questions of the Committee? None? Thank you very much.

FRANK SHEETZ: My name is Frank Sheetz, I live in Groton, Connecticut. Mr. Chairman and members of the group, I'm from the audience. I think you guys have done a good job. I've followed your actions here for about the last two years, and you really have come up with a pretty comprehensive plan, but there's two many "shalls" and "maybes" and "how comes". I think, I'm talking as a contractor, I like it spelled out what I'm expected to know and what I'm expected

FRANK SHEETZ (Continued): to do and who is going to control me. Is it going to be the building inspector, is it going to be the zoning board, or is going to be Mr. Pack in Hartford?

I'd like to ask you the question, when someone has the overall responsibility, who would you, in this instance, say has the overall responsibility? Is is Mr. Pack, another Commissioner set up? Is the zoning board's cookie?

REP. ANDERSON: Well we have--I have two people sitting on either side of me and they both came up with different answers. I would say the local planning commission.

FRANK SHEETZ: I had a whole bunch of men here. I spent about
BELT three hours last night on this, from one o'clock in the
#7 morning until four, but I think Mr. George C. Beck, summed it up very well. I think he's depressed with what't going on. Also, I think he can say it a lot better than I could I'm also in great with the old gray-haired gentleman here who gave up a lot of his swamp land because he didn't want to have the State of Connecticut or the federal government who don't know what to do with it. I'm going to find out who he is so I can sign up with him. I'm one of them taxpayers.

Let's go to page 15. We start off with line 584...or a 1,000 foot setback. That seems like an awful lot of setback to me especially when I'm done here in the Thames River with Fort Griswold to my back. I don't really understand what Thames should be doing up on the monument, Fort Griswold. But that's what it says here.

Page 20, line 782 says...not less than 30% of the funds received annually by the state under section 306, cost is up to another 20% if somebody screams loud and long enough. What happens to the other 50%?

REP. BELAGA: 30% is to help local municipalities deal with their site plan reviews, 20% would be for those who apply or are interested in doing costal plans, and the other monies were to the staff at the state level who will be offering expertise, assistance, staffing, consultation for local communities.

FRANK SHEETZ: So, in other words, we create another desk up at the Capitol and just have a few more people spread around it to use up some more of the taxpayers dollars. Is that right?

REP. BELAGA: It's been in action there for four years.

FRANK SHEETZ: Well, thank God that quite a few of them got cleaned out here a couple of years ago. You used to couldn't get through the passageways up there. I think it is a fire hazard, all those fire marshalls, whoever went in there...I had my problems getting through there.

REP. ANDERSON: Everybody is allowed one joke and you've had yours.

FRANK SHEETZ: Thank you. I guess the answer to this one here where it says, page 33, 1301..it says..."the commissioner shall have the overall responsibility ...we've got a split decision on that.

REP. ANDERSON: Actually it was two to one.

FRANK SHEETZ: Well, we're gaining again. I would like to... I don't know how many people buy the New London paper, but it is a pretty good paper. Our leader Carter vows to fight excessive regulations. I think that I've demonstrated in the Groton area in the last 28 years that I do what I believe in and I like the state of Connecticut, Sierra, and all the rest of them likewise. So if you want to control something, put your money where your mouth is, buy it and control. It's that simple. I don't represent myself as a preservationist or as a historian. But I think I have done a little bit more in the Thames River than about a dozen of these other organizations put together. The way I did it was to put my money right out there on the line and take a chance. I didn't ask for no federal barrel for putting funds up. I don't think the great state of Connecticut has to do the same thing because believe me when you take those funds, you've got a rope around your neck you ain't never going to throw off. New London has it over there, beautiful federal dollars and they keep going down the drain all the time. I think they've bottomed out. I hope to see them come up. In Groton we have spent very few federal dollars over here, thanks to the smartness of our mayor and concert that they don't want to get involved in. To compete with federal dollars as a private contractor is pretty hard to do, but we are gaining and I think that the help of you legislatures Hartford. By not taking federal funds into this state, keeping them down to a minimum. Some gal up north, I don't know who she was said got around about $34,000 that she didn't know what to do with so she turned it around and them people down in W know what the hell to do with that $34,000. It's a sad state of affairs. Thank you for your indulgence.

REP. ANDERSON: Are there any questions from the Committee? Thank you very much. The next speaker is Ward Alling.

WARD ALLING: Listen to you patient people...about a recent year ago another ....I met you people up in Hartford and I can say that most federal hearings are a survival of the fittest.

REP. ANDERSON: Okay, that's yours too.

WARD ALLING: Sorry, there may be another one. I don't know if I am in favor of the bill or not. New agencies, new authority mean less freedom for the individual. This has been the rule. The assumption that all are ruining the environment reminds me of what I once said to a conservationist...I want the same rights as a duck. To climb up on the bank, beat down some grass for a home and find lunch there along the shoreline and make other necessary uses thereof. When these rights are impinged, I feel my freedom is in danger. Will this be one more regulatory agency on top of the state EPA, the federal army engineers, the municipal planning and zoning, weapons commission, conservation commission, and the building inspector and others. All of whom now require permits usually with these, often with many months of delay. If so why can't these policies be designated to an existing agency, such as the EPA, rather than constructing a new one.

When state and federal municipal permits are required, many months of red tape and expense are required. I think that in this bill there should be some way of shutting this down. In many towns where there are these many agencies they have put into service an individual who coordinates all the permit agencies of the municipalities. This would be a wonderful thing for this to do, to be a coordinate agency and that all ...if you are going to through your state and federal funds do what usually happens with state and federal funds, end up with absolute control which is already permissable under the rules and wording of this act, then you should have it so that the individual bypasses all other agencies and goes right through one place for one permit.

Otherwise, the average individual today and I work at a bank and I look at the construction loans among other things in that bank, and I now find that almost all people needing a construction loan need to have a one year construction period the first three to six months of which are spent getting their permit. The economic impact as well as the environment impact must be considered and clearly defined. And when I say clearly defined, I mean when you stop and think of it, I know of an apartment house built in New London for example that had a dock out there that needed repair or removal. Thank particular apartment house went through a bankruptcy. The new owners didn't feel obligated to do what the former owners had said. The dock has been falling apart and the Coast Guard has been picking up the timbers as they float around the river. Nobody built a mariner there as was originall planned. One of the reasons for the high cost of docking a boat which runs as much as $500.00 a month in some places is because there aren't very many docks for boats. And when you spoke in one section

WARD ALLING (Continued): of the dry storage, probably in numbers of two-thirds or better of the boats could go in dry storage. But, in fact, the other remaining third have to have a dock or a mooring end and that's bigger problems---in many cases the boats that provide the greater remunerative return do the businesses of the state. If the authority's going to be local, why is the wording indicated that that be state authority. If it is going to be local, why is any review of permit by another state group needed? If the authority is local, what made the change in past policy wherein any federal or state dollar equals federal or state authority? As I said in the beginning new agencies, new authority, less freedome for the individual. Thank you.

REP. ANDERSON: Just a slight clarification. There are new agencies, there are not any new ones that are added to this. The staff that works in, within DEP now is in place and has been for four years. On the local level it would probably be the planning commission that would take over this responsibility, so there would be no new people or new agency that would go in with this bill.

WARD ALLING: Would a permit be required by than what is now required by ?

REP. ANDERSON: No. By the local municipality.

WARD ALLING: For example, right now, I live in Waterford and we want to correct an errosion problem which has taken away 68 feet of one of the people's property and is endangering his home structure. We have to go through a permit system, the EPA. Would this be added to that?

REP. ANDERSON: It's not EPA, it's DEP.

WARD ALLING: or DEP.

REP. BELAGA: That's right it would be exactly the same.

UNKNOWN: May I add that once coordination of the state and federal permit and the commissioner is charged to coordinate that process so that it would be in the easiest. Unfortunately, you can't say to the local municipality, you coordinate your permit problems ...

WARD ALLING: It would be great if they did

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UNKNOWN (Continued): not if they did. They certainly should do it, but that is not in this bill. It would be hoped that municipality's would get their act together and make

WARD ALLING: Thank you.

REP. ANDERSON: Were there any...Jack did you have any... Thank you very much. The next speaker is Bob Birmingham followed by ...

BOB BIRMINGHAM: My name is Bob Birmingham. I'm the planner for the town of Stonington and I thank you for the opportunity to come to comment again tonight on the coastal area management program. As in the past, the planning and zoning commission of Stonington has authorized me to voice support for the coastal area management program. My commission, like commission's in Ledyard and Waterford have not had the opportunity to read specifically bill 7878, but because it is a reduction in scope from the original version they did read, I am sure I am still authorized to make my comments.

This new bill, in my view, I have had the opportunity to go over it since Monday, so I am sure I missed some points, but I do have some comments, specifically on the bill and our support comes from a couple of general needs that we perceive in Stonington. One, there is a general need to protect the shore lines and this bill gives municipalities to do that. It does provide for local control, which prior bills had--let's say--some question in my own mind, but certainly not state zoning. But it does give municipalities authority to regulate development on a basis of impact to our coastal resources and particularly their impact on the environment - an option which is not now specifically available to local planning and zoning agencies.

It sets a policy for the management of coastal areas that has been lacking in the past and has resulted in over development of some limited and fragile resource areas. So, overall, this new policy which will give a overall state policy to the state of Connecticut is of benefit because it will clear up let's say differences in regulations between towns which now vary quite a great deal. There are 169 towns in the state of Connecticut. I am sure we have 169 sets of similar ...different zoning laws in the state.

But, there are some concerns, specifically because of the situation in Stonington which I am sure applies to other towns in the state which have similar circumstances to

BOB BIRMINGHAM (Continued): Stonington. I happen to look at the cost factor in the recent past and the amount of area regulated by the ... which would be subject to I am sure regulated it the proper word.

The first concern I would like to voice would be that under the current status of the bill, the exemption of any specific area, especially, those few areas in the more built up areas of the west...of Connecticut should not be included as I know has been commented in prior public hearings. If you are going to require certain procedures developing policies for the Eastern part of state and its coast line, you certainly should require them for the Western part of the state-built up areas or not.

Another concern is that it would revolve around the implementation of the coordination between the state and federal permits. The DEP commissioner is given the authority to do that, but I certainly think that the implementation of the coordination of state and federal permits should be something the environment committee should follow up and monitor in terms of its implementation.

Costs-the costs of it will come to a town coastal area management policies come out of: 1) the development of a refined--planned development of these coastal areas and depending how a town for that and depending on how a town has its plans set up now will determine how much costs will result from this option to develop the coastal plan. But, more importantly, I think it the cost coming out of site planned review. Now, it is currently publicized that this could cost up to $45,000 in a town like Stonington. Now that's an upset figure to be sure and would be a worse case. Now that's based on a range of kinds of costs you could include. In a town like Stonington, with 37 miles of coast line, the longest is 7½ miles of shore front, not including islands like Mason's Island or Andrews Island, and with its vast amount of low lying flood point areas, the cost for acquiring every individual single family home in that area to develop a site plant are going to be quite excessive, and on two counts. One on there review costs which could run up as high as $350.00 for an inhouse site plan review. Now I would base that cost on paper clips, paper, public hearings, review, going out and taking tests . And I would multiple that times the 34 single family houses we had built in the flood plane last year in Stonington, and we would come up with a figure of around, at least, $1100 to

BOB BIRMINGHAM (Continued): $12,000 is a low set figure just for that one particular phase. That is not including sub-division, not including new kinds of criteria we would look at in the site plan review process for existing commercial development that we already do...have a site plan review process for. It would not include those areas which give towns the possibility of exempting from the site plan review process.

To attempt to minimize this kind of site plan costs, I would propose that rather than requiring that all areas below the flood hazard level, a site plan for each individual house we would rethink that and consider going to further exemptions for single family housing for areas which might be about, let's say, the ten year flood level but for low, the 100 year frequency flood level. If a town participates in the flood insurance administration program, they have the information available as to what that flood level would be for the various frequency level storms. Now what I mean is that rather than require a house which is at an area which is eight feet above sea level to go through this full blown site plan process, which could cost at least $1,000 for the individual to have this stuff developed, and I did check that out today with one of our local engineers from the firm of , Bentley and Rowan. You could have that particular situation exempted. A five year frequency storm in Stonington would go up to a level of six to seven feet, depending upon the area of town you are talking about. So, if you would exempt single family houses in that area where you are really talking about non-fragile areas, I think you would be vastly reducing the cost of municipalities to enforcement and also vastly reducing the cost to individuals who have to be complying with the site planning review process.

So, again, I urge you to make a further exemption at least for the single family house destruction of sub-division is cetainly a separate case. We have to have site plans already submitted for subdivision applications and the extra data that would have to be included I think would not be that great a burden on a person already having to contract with an engineer.

I just had a couple of other additional comments I would like to make and a couple of them are reiterations of other comments. And I would first refer you to section 2, line 126 where Mrs. Polinsky had suggested that you change highest priority to high priority. I think that that is one good idea that you do that for the reasons that she stated.

BOB BIRMINGHAM (Continued): Another one of the things that she mentioned that I have also picked up on in my brief review was the definition of urban shore front, on line 444, page 12. we're thinking of that definition might not be in order because we have a lot of developed urbran areas in Stonington which might not fall within the urban shorefront category, but certainly our urban place is built up areas with already some inter-structurally developed.

On page 16, section 4, sub-paragraph D-you refer to maps will be made to municipalities for their resource mapping. The statement referred to is 1-24,000 which is 1" to 2,000' feet on a U.S.G.S. sheet. If you have every tried to deal with a developer on arguing where a line runs and try to figure out 100 feet to 200 feet to a tenth of an inch and you can see that this is going to result in obvious problems, so, quite curious which is in the following section. You certainly should take into account that many towns with a lot of undeveloped shore line and flood plane areas are going to have to get into a much more detailed mapping of their coast line and resources than this scale would allow. So, I would certainly urge you to either change the scale on this, which might be impractical for the CAM staff at this time; or to allow in the funding formula some extra point or something for extra mapping which may be necessary.

Another point that was raised, on page 21, regarding the planning formula. I certainly agree that because of the varying costs that are going to come up between different ...municipalities with different needs, an option of reallocating the 20% back fromthe towns is another good idea. The zoned towns, like Stonington, are certainly going to need it more so than other towns like Ledyard.

Just one last comment on the exemptions which you fine listed for single families on page 31. You could add just into there instead of the rocky shore front area for exemption on line 1193, just add upland areas of coastal hazard areas to a certain storm frequency level. The wording could be as simple as that. So that again, any town with and FIA program would have that flood level frequency data available. Other than those comments, I would like to personally commend the CAM staff for their diligent pursuit of defining their bill and to the committe for their long efforts in preparing it. Any questions?

REP. BELAGA: Just to clarify, Mr. Birmingham. I think you will note that the map that you are referring to that was once a 24,000 are really just the interim maps and that indeed

REP. BELAGA (Continued): the maps that will eventually be used for and on file would be maps that were used in your town property, tax maps, and in fact, the local commission is given the authority to take the map, whatever is given to them by the state and make it very clear...we did discuss that in Committee, it is important for every property owner to know exactly where the boundry would be and so they could delineate a boundry if they...if it was appropriate to go by a road or a rock wall or whatever, so that we were aware of the...that the scale you are talking about would be useless for developers and for private citizens to be able to identify their property.

BOB BIRMINGHAM: One question I had...if I understand correctly,
BELT the town has the option of increasing the boundry or if
#9 they felt that the has enough resistance was not entirely with the situation they would not have the option of reducing it down to a road perhaps within 100 feet of seaward in the flood lying sector.

REP. BELAGA: Well...that...one of the suggestions that was given tonight was that perhaps we introduce the word substantially diminish ...so that it would give a little more option to local municipalities. I don't whether that would indeed happen, but as it's factored here it would not be allowed to diminish the coast--that line--the boundry that has been suggested.

C.T. EAMES: I'm listed as the next speaker here. I had requested . My name is C.T. Eames and I listed my name not to speak but to ask a question, it has been answered by the Committee and that was there going to be a line of beaucracy or did it fall under the DEP; and I think that that was answered. Thank you.

REP. ALLYN: We've been joined...um...

ALLEN BERRIAN: I'm Allen Berrian, representing the Connecticut Rain Trades Association and I own a boatyard in the state of Connecticut. I am going to make these remarks based on the two sets of statistics that were available to us, one was a survey that the DEP did about three years ago where there were approximately 250 total boatyards, waterfront facilities listed in the state of Connecticut and a later survey of our own that was completed about two weeks ago which showed that within the last five years, 31 boatyards have gone out of business as water dependent...or those sites are no longer water dependent sites from, i.e. the

ALLEN BERRIAN (Continued): Stonington Boatworks at one end of the state to [illegible] at the other end. We have identified eleven more that will go out within probably within the next year for other uses than recreational use. That's about 12% of the waterfront sites in the state of Connecticut that have disappeared within the last five years. We urge that this legislation be passed for a whole series of reasons. My apologies to two members of the Committee that have seen these reasons before, but I would like to briefly go through them.

This bill 7878 provides for a very central role by coastal communities to deal with the problems that are associated with verging shore front development. And while this development affects the state as a whole, it most clearly and directly concerns all of the communities that are directly affected. The act is, therefore, both fair and workable. The bill does not force coastal planning on any specific community. The development of local coastal management programs is entirely voluntary. We sincerely hope that all coastal communities will cease on the opportunity provided by this bill, take a more active role in guiding the course of development along their shorelines. We believe that the bill provides fair and adequate guidelines for developing municiapl coastal programs and for distributing federal aid to do so. The bill directly confronts a critical coastal issue, that is the continued appropriation of scarce shore front land and the forcing out of many traditional shore front uses by developments that have no pressing need for shore front locations.

It confronts this issue by establishing as a matter of legislative policy the priority treatment of water dependent facilities, whether commericial, industrial, recreational, by all of the regulatory bodies involved. In this vein we are pleased by the proposed policies regarding port redevelopment and restoration for water dependent use. The reintroduction of water front recreational opportunity into urban areas is long overdue.

We are pleased by the legislations commitment to improving recreational boating opportunities by limiting the encroachment of non water dependent activities into areas where interference with boating and the facilities that support it will result.

We also support the initiation of long range dredging programs in cooperation with the Federal Government. The critical problem of dredging of navigational channels and

ALLEN BERRIAN (Continued): the disposal of dredge materials must be addressed immediately if the state's economy is not to suffer irreparable damage. We believe that the bill's recognition of the great importance of recreational fishing and the promotion of fishing access and stock management programs is crucial to this long overlooked and very important recreational pursuit.

We support the forceful protection that the bill would provide the vital marine and coastal habitat, and its sensitive natural features such as wetlands. We believe that such protection is absolutely essential to the maintenance of recreational opportunity and to the financial well being of those of us who service the recreational coast. We ask only that environmental protection be undertaken in a fair, reasonable and consistent manner. We believe that passage of this legislation would contribute to that goal. We believe that the bill addresses a problem of great concern to those of us in the marine recreation business, that is, the proliferation of uncoordinated and often mutually contradictory regulatory programs at all levels of government. The frustration and expense of trying to obtain the various local, state, and federal permits presently required for coastal development, of even the most minor sort, can only be appreciated if that is the right word by experience. This legislation will bind the local, state, and federal regulatory bodies to a common set of goals and policies and it mandates that consistency with these be reflected in all the state's activities and plans. And it requires the coordination and consolidation of the department of environmental protection regulatory program.

There are several modifications that we have written about. I won't go in to those now. But, we are frankly, very, very much in support of this particular public act and feel that without it, recreational opportunities in this state will diminish dramatically.

REP. ALLYN: Sir, I have one question. You mentioned the boatyard Stonington . Do you feel we should make a policy decision in that area, I'm addressing policy, not saying zoning...policy decision in that area rather than the Stonington boat people?

ALLEN BERRIAN: No, what I said was, that that was one parcel of land that went out of the...a water dependent use and into some other use that could have been located somewhere. It is up to the town of Stonington how that's handled. It

ALLEN BERRIAN (Continued): is our impression that the-at the trade association level-that the town had no alternative given the present system that they have of making a decision on how that land would be used. It was rather predetermined what could or could not be done with that parcel. What we feel is that within this type of legislation that certain questions have to be asked along all parcels of land, not just one boatyard. But you've got to ask some legitimate questions as to what should or should not be sighted in various parts...you know each parcel of land is different.

REP. ALLYN: Well, under the present zoning they could determine whether or not you have residential or marine uses in that particular zone and they can determine on land which particular zone it is in. So, at the present time, if the board of Stonington ruled that use for marine, they could have zoned it marine/commercial. If they ruled it for residential they could zone it residential. So, you see, at the present time, they do have the authority to dictate whether that would be residential or marine/commercial, and your saying they don't.

ALLEN BERRIAN: What I'm saying is that in our own experience, most zoning boards or most zoning maps or planning maps show rather inadequate coloring or lines, or however, treatment of the land. They're a rather blank piece of paper when you get to the water line and I don't think there is any community in the state of Connecticut that shows any water use from the shore front, from the high water mark on down. If you have in Stonington someway to regulate water use or what goes on at your waterfront, fine, most communities do not have it.

REP. ALLYN: Well, to have a marina, you have to have land above the mean high water and that is regulated by zoning and that land is zoned in Stonington, it is not a blank piece of paper. It is zoned.

ALLEN BERRIAN: Fine. But I don't understand the point.

REP. ALLYN: Well, I think the point you were trying to make was that Stonington can't...couldn't determine what was going to happen to that land, whether there should be a marina there or whether there should be housing there. They can determine it. They can zone it residential or they can zone it marine/commercial.

ALLEN BERRIAN: Fine. Okay. All I'm saying is that under the present system it isn't working.

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REP. ALLYN: Mr. Henry Haley.

HENRY HALEY: I'm in the same category as Waldo Clarke. I thought I was signing the guest list. Somebody said, well, do you want to sign that thing, so I did. But, in as much as I am here, I would just like to say that House Bill 7878 came in hand today when I came to this meeting this evening, that coastal management is something we have been concerning ourselves with in Groton for a long time. At the outset I would say if the legislative committee will try and be a little more explicit, get down to brass tacks on some of the things that have been mentioned here this evening and get specific about some of their terminology, I think that the bill is well worth everyone's support. But, I do have a couple of questions.

You mentioned that the state was not going to provide a ...or be the agent that would provide another layer of beaucracy. Is this correct? Okay, then if that is the case, I have question...when Janet Polinsky was talking she ...they went pretty much through the thing when she talked. And, um, I think on page 30 or 29 it starts, just briefly..."upon receipt of a petition signed by at least twenty-five residents of the municipality in which the activity is located..." and so forth, and so on, it goes on to say that the commissioner shall investigate. Is this commissioner of the environment at the state level? And what...just exactly would this figure be when the environmental...I mean another layer as time, it takes time. The gentleman that just suggested here a minute ago, but it is too bad that you can't decide to build something and you have state government plainly enough, local government so that you don't run into this endless time consuming process of getting permits and so forth. I'm just wondering if this petitio...how long this would take and how much additional delay that would involve and what have you. Can the Committee tell me that?

REP. ALLYN: There are times specified within that particular section in relation towhen he has to...wait a second...

HENRY HALEY: Well, I haven't gone through it...and I surely will.

SEN SKOWRONSKI: I think your referring to some particular

HENRY HALEY: No, it's on page 30, 29 & 30.

SEN. SKOWRONSKI: The situation as I understand it is concerned with perhaps when you have violations and the timetable there is ... that does involve the obtaining of a permit. But that section concerns itself with what happens when that someone violates a condition of the permit board...

HENRY HALEY: Management of the bill after it becomes law?

SEN. SKOWRONSKI: Pardon?

HENRY HALEY: Management of the bill after it becomes law?

SEN. SKOWRONSKI: ...becomes law, if someone can build without a permit.

HENRY HALEY: What about establishments... in our town we have a lot of industry in this town. I am sure you are aware of that - that are already on line and some of the things that are mentioned in this proposed bill concern themselves with some of the mechanics and the facilities involved in conducting that visit, doing submarines and you mentioned about tank farms too I think someplace in here and suggest that perhaps it would be better off some other place. I'm
BELT just wondering you know what...after the bill is passed, will
#10 the commissioner or someone at the state level involve themselves in local inspection and so forth and so on, and will these establishments be obligated to conform to the regulations spelled out by House Bill 7878 that has been upgraded and so forth, before it is passed.

SEN. SKOWRONSKI: I don't believe so. This law would have no retroactive affect. All of those restrictions listed would be "grandfathered" as they say.

HENRY HALEY:

SEN. SKOWRONSKI: Right. So they would be protected

HENRY HALEY: Well, okay. All right then. I just have a couple of other things. I know it's getting late and I don't have a ... I sure everybody wouldn't listen anyway. On page 3 , item 5, to consider in the planning process the potential impact of coastal flooding and errosion patterns on coastal development so as to minimize damage to and destruction of life and property and so forth and so on.

REP. BELAGA: I missed the page number, what number did you say?

HENRY HALEY: Page 3. Right almost at the beginning of it. I still awake and alert at that point, but you know as far as we're concerned in this town, we have a situation here that involves the state government, it involves, perhaps, some effort, some responsibility on the part of the department of national parks, involving the national park service, and the department of interior, what have you. But we have the Bluff Points Coastal Preserve that has stood there and shorned away with every tide since 1938. Now, if you are going to develop coastal management function under this bill, the state owns the land. Now what does the state propose to make itself do? I would like to ask the Committee that.

REP. BELAGA:

HENRY HALEY: They've already bought it. But they have to...rather than let the thing go completely to pot, and preserve it for future generations. They are very anxious to preserve our coast line over the years, and suddenly the costs became so prohibitive a few years back, the only one that I know of that they have addressed themselves to is Cape Cod because of the severe storms they had winter before last. Now the federal government has agreed to go back that position and to do some repair work. I was just wondering if under the coastal area management bill, the state of Connecticut, will try to expedite this situation we have in the Bluff Point Coastal Preserve while the beach is disappearing with every tide. Would you answer that for me?

REP. BELAGA: This bill addresses itself to building and construction along the coast line and development of the coast line. I would hope that Bluff Point would not have any construction or development on it.

HENRY HALEY: Very true. And that's why we created the Bluff Point Coastal Preserve, but we would like to see the thing kept, and not disappear. But if they didn't battle all the time...there not going to do that. They are going to let that thing go down the tubes.

REP. BELAGA: Your talking about maintenance of that property

HENRY HALEY: Maintenance of the property the state already owns.

REP. BELAGA: Unfortunately that is not addressed in this bill.

HENRY HALEY: No...and it is something this bill should concern itself with because if we lose them, there may be some other incident in the state ten years from now, where you have a...you know this could come back to haunt you. If you don't survey the thing before you get to the final bottom line figure you may be in trouble. And in that same regard..

SEN. SKOWRONSKI: If I can interrupt for a moment sir...

HENRY HALEY: I'll only be a minute.

SEN. SKOWRONSKI: Okay, let me just...it is something that you mentioned...that is with respect to Bluff Point, while this act may not specifically cover it, there is nothing from preventing your own local legislators from putting in a bill

HENRY HALEY: I have a suspicion that that is a cop out for this evening. Now really...

SEN. SKOWRONSKI: It's not a cop out at all...

HENRY HALEY: No, no, no...

SEN. SKOWRONSKI: I just wanted to mention..

HENRY HALEY: If you were a legislature living in this town would you suggest that?

SEN. SKOWRONSKI: I know nothing about what the local feeling is...

HENRY HALEY: No but you know...first of all you have to understand what the provision...what the coastal preserve bill was and you can hardly get a up there, that's an extreme violation, as soon as ...you know....you have to tread rather carefully and cautiously. But, in that regard we have a budding controversy blooming here concerning the out that the state has mandated must go in the Thames River. Now, will coastal management impinge on this, overlap this, interfere with it in any way? Or if they go to court again and decide to put it into another place, perhaps our state property has ...Groton Airport, that's what it is going to be. We're ... will a coastal bill interfere with this. If they wanted to put...it says, I believe on page...

REP. ALLYN: Sir, to answer your question. In making decisions like that in the future the state will have to consider the criteria, the goals and the policies, and so forth that are

REP. ALLYN (Continued): established in this bill. So that in the future, decisions such as that will be based on criteria and the goals and policies in the sections dealing with the state action.

HENRY HALEY: But just don't forget that that beach is going away and some day someone it going to have to do something about it and here's a good chance for them to do it. Some people, I'm sure a lot of them would say to themselves, my God, what a golden opportunity. You know...and if the is long since overdue and something that the state, before it passes the bill ought to have some resolution to. As far as the ...the only other one I have and I am going to stop...I'm sorry everybody missed Edward the King tonight. I did too, so there you are. I am going to go home and ask my wife, if she stayed awake long enough to see the end.

On page 4, and I just touched on this, along line 131 or in that general area, 128 along that area..."as to encourage concentrated development in areas which are suitable for development..." and then it goes on to say.."and to disapprove extensions of sewer and water services into developed and undeveloped beach areas, barrier beaches and so forth. I'm wondering if an outfall that would go through say... the place that's washed out at coastal perserve, whether this would constitute a violation as far as the new bill 7878 is concerned.

REP. ALLYN: This section doesn't really refer to the outfall portion of it. What they are talking about is the laterals.

HENRY HALEY: I know, but like it's been said here this evening before
all of a sudden you wake up one morning and boy, that thing says shall...and that is the thing, to be specific. Please that is the most important thing. A lot of people can buy the rough round figure represented by this bill, but they have reservations and some of them turn into some rather severe confrontations. Thanks very much.

REP. ALLYN: Mr. Spellman. And following Mr. Spellman will be Mr. Chapin.

JAMES SPELLMAN: Members of the Committee, I'm Jim Spellman, first selectman from Stonington. I had intentions of coming over here this evening to listen, but, seeing that there were so many comments as far as Stonington was concerned I thought I would make some notes and some comments as the

JAMES SPELLMAN (Continued): first selectman. First of all, I would make the comment that I share many of Representative Polinsky's concerns as far as the language of the bill is concerned. I know that this is from experience that this is true: if there is some word that people can hang on they do it. And I think that anything that your Committee can do to make your intention clearer in the legislation it would be an advantage to all.

As Selectman Seebeck of East Lyme commented regarding the affect of this legislation on his town, Stonington is very similar in the sense that the density of the Stonington area is...there is a large population in Stonington would be affected by this legislation because they are near the title areas. The comment that Whitt Davis made regarding farming. I would like to comment specifically on Whitt and the family.

The Davis family has one of the most beautiful coastal farms on the Connecticut coast. They have worked and sacrificed to keep it that way for over 300 years. And when Whitt said that he thought local people better manage the coastal area than people who live outside the CAM area, he speaks as a member of a family who have kept several miles of coastal area absolutely clear of any development and use other than farming. I want to urge your Committee to add farming and argricultural use as a expemption under that bill. I think that the people who have property and use it for agricultural use are in my opinion already accomplishing the intention of this particular legislation.

Bob Birmingham's remarks were excellent I think. I haven't had a chance to look at this. I have been too busy with another problem at home and the...some of our capital requirements for installing sewers, not installing...where money is example. I was on this bill concerned about what it was going to do when I heard some of the numbers Bob was talking about and what it is going to cost us in Stonington to implement it. It really concerns me because we have a taxpayers group that are not exactly supporting additional tax funds. So I think again, you've got to look at his remarks and his request that you take a look at the elevations that are involved and possibly have some exclusions in certain elevations. Possibly, I think he indicated the five foot level or the 50 year storm versus the 100 year storm whatever.

I support strong local control over coastal areas. I think that in Stonington, in a lot of the areas, East Lyme, Waterford, down along the Bay Brook area, that they've done an

JAMES SPELLMAN (Continued): excellent on a local basis through the years. A much better job than some of the cities down along the coast and some of the areas that are upland and if the state legislation does in fact give strong local control than that is certainly something that I approve.

Bob also mentioned the difficulty of enforcing this type of regulation tidal wetlands, inland wetlands, with the lack of proper mapping in order to determine what you are going to be doing. This is a tremendous problem on the local level. It is not only a problem for the people who are trying to administer it, but it is a problem for the people in my position where they come screaming when there is a difference because of a pencil line that might mean 100 feet and the fact that they can use or not use their land. It is my feeling that if the state of Connecticut is really interested in the coastal areas, that the legislature should fund the required appropriation for the purpose of providing photogrammetric mapping with mylar overlays that show the proper elevations and have them on 50 scale so that somebody can come in and look at and read and know what they are looking at. I see some of these maps that come from the state on the inland wetlands and I've lived in the town all my life, I've been a selectman there for 18 years; and I don't know what the hell I'm looking at. You can't figure where you are and I don't know how anyone who is in an enforcement position can enforce this type of legislation from that type of mapping.

I have made a note myself that I thought there should be exemptions above certain elevations before I heard Bob comment. I think also that the...I have always been a strong supporter of state purchase of property that they think are important to the overall good of the state. I agree with the gentleman who spoke here who was in the building business, I guess. I was in the building business for many years before I was selectman and sometimes when you buy a piece of property, thinking this is your future bank roll, and all of a sudden it is regulated to the point that you can't use it. This is in effect a taking and I think the state should appropriate the monies to pick up pieces of property that they feel are important to the overall good of the state. I support that very, very much.

BELT #11 I'll finish up by saying that I'm opposed to more regulations. I think we've got about 50% too many regulations in the country and in the state now. But, as the chief elected official of a coastal town, I fully realize the importance of proper control of the future of these coastal areas. As the governor's

JAMES SPELLMAN (Continued): appointee to the Atlantic State Marine Fisheries Commission, I know the importance of our coastal areas to our marine ecology and what CAM means to that future of our marine ecology. So, with that and with the request that you take a good look at the recommendations that have been made here this evening, make some changes, not to water it down, that isn't the thing I would like to do, but to make it simpler, make it easier to understand; it can always be amended upward. Every bill that I've ever seen considered by a committee on the legislative level, they'll tell you, well you can always amend it, meaning amending it down. I think you can do the job that has to be done, especially with the other regulations that we have and amend it upward where it is necessary. With that comment, I'd urge your Committee to vote favorable on it and get something going before it is too late.

REP. BELAGA: Just to clarify before the next speaker speaks, I think you noticed in your bill that farming is indeed an exempted ...use...farming, grazing, landscaping, gardening, harvesting of crops are natural of course to be exempt.

JAMES SPELLMAN: As others have indicated, we haven't had an opportunity to look at it. This was dropped on our desk the day before the hearing.

REP. BELAGA: The exemptions are on...start on page 30, the middle of page 30 and go through page 31.

JAMES CHAPIN: Members of the Committee, I'm Anthony Chapin of Stonington. I'm coordinator for Citizens for Coastal Planning and Conservation. I've been following the development of this bill for three or four years and I think the CAM's group has come up with a very good formula. They seem to have pleased most of the principal objections to it.

I want to pick up on what I think it was, Mr. Canne, from New London Marine Trade, I may have that title wrong and Mr. Berrian from the Connecticut Marine Trade Association, said about priorities. I really only have one criticism of the bill here and for me it is a severe one. I would like to refer you to page 4, line 127, where the bill says that it must give "highest priority and preference to water dependent or water enhanced uses." Now let's stop right there. That's putting water enhanced uses right on an equal level with water dependent. Now you turn to page 14 and you see water enhanced uses are. They do not depend

JAMES CHAPIN (Continued): upon water since there's a monetary value it appears is increased by there being near water. Well that can apply to just about anything. Anybody's house is worth more when it is near the water. But what it does here is specify, not only...not in a general term, but it says multiple in line 560..."multiple family residential uses." I rue that as subdivisions, condominiums, town houses and any kind of multiple family developments, hotels, tourist conventions and resort facilities.

If you are giving the highest priority to this kind of development, you are inviting the kind of development on the flood planes that it seems to me the general intent of the legislation is to control. And this comes right out very strongly in reading the two sections together. Therefore, not that you want to banish any multi-family developments at all from the coastal areas, but let them take their chances with the rest. Give your priority to the developments that really depend upon the water and that don't give these people a special when it can be, when any development really can be enhanced by being near the water. It is my understanding that the intention of that section was to provide access and there is language right at the end, as a dependent clause which says: "which provide general public access to marine or tidal waters."

All right, what I suggest, and I have put this on paper is to put that into your priorities and say...give highest priority to the developments that are dependent on water and also to the recreational and commercial uses and facilities which provide general public access to marine or tidal waters. That line was taken right out of your definition of water enhanced uses. There would be another way of doing it and I've put it on paper. I won't go any further, I think I've made my point, it's the main point that I think has to be picked up here to not have this bill do something which I think most of us didn't think it intended or should intend to do. Thank you.

REP. ALLYN: Charlene Bergstrom.

CHARLENE BERGSTROM: I'm Charlene Bergstrom, executive officer and legislative agent for the Connecticut Marine Trade Association. We feel that there are more demands for the shoreline than can be reasonably dealth with. In addition to water dependent uses, there are oil diesels, warehouses, condominiums, office buildings and developments that don't need the coast line for their existence. This competition among potential users has driven up land values to levels

CHARLENE BERGSTROM (Continued): unreachable for a small marina developer. It makes the shoreline primarily available only to large corporate entities with large amounts of capital. The guidelines in this bill giving priorities to water dependent uses are very necessary to us. Federal approval of this bill will bring with it funds to allow each municipality involved to study its own problems and come up with its own solutions within the guidelines should invest with its overall plan of development.

This bill allows shoreline municipalities to satisfy local need without unacceptable sacrifices of regional, state, or national needs. We are aware that this bill isn't going to solve all of our problems. We're still going to have an extremely low profit margin, accelerated insurance, high taxes, and high construction and maintenance costs for example. But, it will clearly help us with our dredging and permit problems. The time and money involved in existing permit procedures have greatly contributed to the boatyard closing that Al Berrian mentioned to you before, 30 in the past year. By the way did you get your list? It's in the office.

This bill would establish one set of policies for all levels of government in the permit process and would protect all interest groups concerned while requiring only one criteria. I also hopefully down the road want the new zoning set up and so forth, would allow new marinas to be open.

We feel that this bill gives protection to many concerns, not just our own. It gives direction to solving many crucial problems that do exist. The seemingly discoordinate groups that have endorsed it at the public hearing held before this one, including environmental groups, citizens protection group, town fathers, planning and zoning officials, private citizens from every walk of life, but primarily from coastal towns, prove that it is a needed and welcome bill. And as for ourselves, a recent boating industry article said that the future of our industry may depend on how loud we yell for help, and we're yelling.

SEN. SKOWRONSKI: Charlene, having heard you now...and at this point Stamford, Hartford, Groton, I think tomorrow I'll give the presentation.

REP. ALLYN: Howard Weiss and next would be David Campbell.

HOWARD WEISS: My name is Howard Weiss. I'm chairman of the town of Groton conservation commission, and more so, I am a marine ecologist by profession. It is clear I think that the coast line of Connecticut has been subjected to very intensive development by many conflicting interests. I think that by just driving along I-95 and looking at our shoreline it is clear that these conflicts have not been resolved on the basis of their best use or consideration of fragile marine eco-systems or limited marine resources. The Public Act 7878, we believe would go a long way to correct that lack of intelligent decision making and therefore, the conservation commission supports the passage of Public Act 7878.

We believe that the act does allow local planning and zoning commissions to consider coastal resources in making its decisions which they are not allowed to do at this time. And it does not add "another layer of beaucracy or state takeover of planning or management" as some people have contended. It's clear to me having been involved in local government the last couple of years that the towns really do have very little control over their coast line. I think that in Stonington a good example was the issue of filling in the Mystic River, where the town really did not have the power to stop that without trying to go to the state for saving of the . The planning and zoning commission, the zoning commission in Stonington, was not really allowed to consider the impact of that filling operation on the marine resources. The zoning process did allow other criteria, but it did not allow the consideration of the marine resource itself and I find that, as a person in town government, involved with these issues all the time that basically we are very dependent upon the state or the Corp of Engineers to protect us. I think that Public Act 7878 will give those of us in local municiple government a chance to regulate our own shoreline for a change. I think we can do a good job of it.

I think that the policies in the initial parts of this bill are very valuable and very specific. I am glad to see the specificity that has been written into this bill. I think that that was one of the big shortcomings of the previous bills. But I am a little bit concerned about the lack of a mechanism by which new or policies could be instituted if they became necessary in the light of, let's say, new marine research. We for example could find that a particular environment to new research was more valuable than we previously had thought; or we might find the opposite, that the particular environment we thought was very fragile and

HOWARD WEISS (Continued): essential to certain marine properties was not as important as we now think they are. And I am a little bit concerned about how the evolution of the management will keep up with the generation of new information that the marine scientist will generate over the next few years.

REP. ALLYN: There is a provision in the bill for an annual report to the legislature. And then that report, which would encompass the things that your talking about, would be basis for any modifications in the goals, policies, and so forth. So there is a provision for an annual report.

HOWARD WEISS: Good, 'cuz I do think the bill should remain vital in light of new information and that's also, by the way, I would have some concern about what Representative Polinsky was talking about in terms of the lack of need for research It is clear to me that if we are going to manage the coastal zone intelligently, we need to keep upgrading our knowledge about that system. So I do think that technical assistance is essential and should be ...is essential and the information we get from the state should be based on the latest research and fed to the local governments to make intelligent decisions.

I think that the mandatory site planning review is an excellent approach. I think it is essential in light of resolving some of these conflicting uses and hopefully would give in part some reasonable perspective to the management
BELT of our shore line. I think that probably one of the most
#12 common kinds of proposals that come across the conservation commission's agenda, and I think it is true of many of the town bodies as well as the zoning commission, are developmental...developments such as a small fillin operation that in itself, has very little impact on the marine environment. Now you can fill in a small bit of a mud flat along the shore and not really be able to measure the impact of that particular filling operation. But, when taken in the context of all the other filling operations going on in that particular estuary or up and down the coast, it does become a significant impact and that's why I think it is important that there be regional perspective on many of these operations. It's not simply enough to say that...go ahead and fill in your little area, because that is not going to hurt anything, true it is not going to hurt anything in itself, but if that is going on in many other little places, the impact could be significant. And I think in part, your goals and policies do give this regional perspective we all have now common criteria on which to base a decision. But, I do think that maybe the regional planning agencies should be involved to insure a somewhat more of a regional perspective, perhaps the kind of thing

HOWARD WEISS (Continued): that Linda and others from the did mention previously. Finally, I would like to say that although I am glad that planning is included in the bill, I guess I would like to have seen it a little bit more mandatory, a little less voluntary, simply because I would hope that the towns would not always be reacting to developmental proposals. That in sense we know where we are going to be heading by planning out the future of our coastal zone a bit. Now I realize that puts the onus on us to take advantage of the funds that would be available if we wanted to go into planning, but I would have preferred to see the bill have some mandatory planninbg built into it and not just leave it to...leave it on a voluntary basis.

REP. ALLYN: Section 18 is the one that talks about the annual report...in the bill if you have it. One thing I would like to ask...you mentioned the filling of the Mystic River. One of the problems in that particular case was that the filling was taking place below the mean high water, so it was not within town jurisdiction, it was within the state jurisdiction. The town jurisdiction stops at the mean high water mark. One thing that was discussed at one time was perhaps under this bill the jurisdiction still stops at the mean high water mark. What do you think of the idea of extending the jurisdiction of the town, it couldn't be total jurisdiction because you'd want the state...but extending some jurisdiction to the low water mark of the town so that they could handle that type of problem.

HOWARD WEISS: It seems to me that, just as you brought out with the shipyard, that clearly what goes on below the mean high water mark often depends upon what you are allowing...pardon did I say that right...what goes on below the mean high water mark often depends upon what your allowing them to do to go to the mean high water mark and I think...

REP. ALLYN: In other words, when you come in for a fill permit, you can get a fill permit without and it doesn't have to relate to what you are going to do on the shore.

HOWARD WEISS: It seems to me that in that particular case, your zoning commission was powerless to...you know...you were zoned commercial or whatever it was therefore that particular, there was no marine criteria for example, the fact that...

REP. ALLYN: I think the thing there was ...

HOWARD WEISS: The bill now does say that if you were to cover key intertitle areas that it one of the criteria and one of

HOWARD WEISS (Continued): the goals is not to fill in key inter-title areas and it specifies rocky and mud flat areas and wetlands and I think that is commendable. So I think that you've got that covered.

REP. BELAGA: Can I add...not only would the state have to comply with criteria when theywere making those decisions which they never had to before, but we now have in the bill the municipal right of the party in case they want to protect the action of the state at the same time the state would be...would have the municipal right of the party in a local decision that he felt was not in keeping with this criteria.

HOWARD WEISS: As a matter of fact, I think that Commissioner Gill at the time made the decision to go ahead and fill because he felt that he did not have the power to deny it because he also couldn't consider the marine resources. This bill... he would have to conform to this bill as well as anybody else.

REP. ALLYN: David Campbell, followed by Anthony Howe.

DAVID CAMPBELL: I'm David Campbell. I am chairman of the Noanke fire district zoning commission. I would like to ask the Committee to look at section three, page 10, concerning the definition of municipality. The Noanke fire district is not included. The Noanke fire district was created by a special act of the Connecticut legislature which delegate to the Noanke fire district, both zoning powers and those powers under the provisions of Chapter 43 of the Connecticut General Statutes as it relates to burrow zoning powers.

We believe for clarity that Noanke fire district should be included with the subsection of burrows included in section three of this act. We feel that the exclusion of Noanke from section three may jeopardize its zoning powers in coastal areas and may jeopardize any financial assistance which would otherwise be afforded to communities to help carry the intentions of this act. I also have some questions relating to this disappearing marina syndrome we've heard about tonight. Specifically, will this act deny the conversion of marine related uses to residential uses?

REP. ALLYN: It doesn't make any specific denials or approvals. It sets goals and policies that must be considered in the decision making process, but it doesn't either... this act in itself does not eithr deny or approve a specific proposal

REP. ALLYN (Continued): but it does give goals, criterias and so forth that have to be addressed in those decisions.

DAVID CAMPBELL: Conversely, will it restrict undeveloped residentially zoned properties from being developed as single family residential use?

SEN. SKOWRONSKI: There's an exemption for single family residences.

REP. ALLYN: No, undeveloped. Undeveloped land which is now zoned for single family...

(More than one person talking at once)

REP. BELAGA: It's really up to the local planning and zoning commissions to make a judgement based on this criteria.

REP. ALLYN: You have to take into consideration the criteria, the goals and policies that are established in this act in making that decision. So, in other words, what I'm saying is a little more that you have to take into consideration when your making a distinction.

DAVID CAMPBELL: It doesn't specifically deny?

REP. ALLYN: No.

DAVID CAMPBELL; Thank you.

SEN. SKOWRONSKI: As far as single family houses go, construction of an individual conforming to single family resident structures is allowed. Now a subdivision may be something else, but the construction of single family housing is accepted.

DAVID CAMPBELL: Thank you.

REP. BELAGA: It's up to the municipality to decide...

ARTHUR HOWE: Arthur Howe of the Lyme Planning and Zoning Board, In Lyme, Connecticut. The Planning and Zoning Commission. I want to lend endorsement to the many voices supporting this bill. I do so in some frustration and certainly with fatigue over the democratic process shared by all of you. The frustration is for the vast complexity of this bill, which seems to me to go far beyond what we want, but is probably necessitated by the demands and pressures of the federal government and the demands of the constituents in the state whose support would be required

ARTHUR HOWE (Continued): to get it through. For one, I'd much prefer to see a bill about one sentence long that said this should be the policy of the State of Connecticut to support the communities in their planning for control, for coastal zone uses and activities by the provision of funds, expertise and coordination. That with this entire bill, I'd be a whole lot happier.

I think if we had that kind of a brief statement of objective, then a clear, much more precise statement that this bill was to be implemented by the local communities as its intent repeatedly states, but which intent is repeatedly compounded by language to please others. I think we've got a very difficult problem in that and the only concrete--I have two concrete suggestions:

One, that the language in line 1411 concerned with coordination be vastly strengthened, as I think speaker after speaker has requested here tonight. That coordination of the multiple controls regulations seems to be essential if something constructive is to come out of this.

And secondly, with reference to line 734 in which it is stated that the Commissioner shall consult with local bodies. I think that that statement is far too weak. If this bill is to be effective, it must incorporate the enthusiastic participation of representatives of those communities where the activities are regulated and at least a substantial number of the people conducting regulations and administering them should come directly from those communities with experience in their activities.

The nation is learning every day that the regulators bills of this sort are in the end far more important often than the bill itself. And I think this language is far too weak in bringing that kind of control.

And finally, our town's problem at the moment is the very one that was sited by one of the--I think raised in a question by the Acting Chairman. The extension of this bill to give towns some authority to act on their title lands between high and low water mark would be of great significance and a great import. In fact, I suspect an analysis would show that the vast amount of shoreline that this state is in fact in rather shallow tidal estuary regions with a far reaching title area. In our particular instance, there is a question of docks - how far they should go out from the shoreline into, in this specific case, the Hamburg Cove, a valuable resource to this state used by many people.

ARTHUR HOWE (Continued): We've had docks going out over 100 feet straight, and we have no established procedures upon which to exercise regulations. It would be greatly helpful if we were strengthened in our activities in that regard and all of these docks, and I say all meaning most cases, they are concerned with reaching out to--from high water out to just beyond the low water mark so that at middling tides at least people can get in and out. This is a familiar problem. Thank you very much.

REP. ALLYN: Mr. Howe, (Belt #12 ends here, and belt #13 does not finish what this speaker said, it goes on to the next speaker.)

WILLIAM SPICER: William Spicer, Spicer's Marina, living in
Belt Stonington, and doing business in Stonington, Groton and
#13 Noank. And seeing that the hour is late, and frankly I consider the bill long, I just got my copy tonight and I've waded through it, I'm usually well prepared, but I won't say I really am tonight, althought I have followed this carefully for a number of years.

I found it as I waded through it a bit confusing and quite verbose. Now instead of a joke, can I ask a question? Basically, is this bill intended to affirm the right and ability of the public, especially the inland, to use the water? As I read it, I can almost read this to keep almost anybody happy. It's getting close. And being in the marina business, it takes one of my places twenty-six permits to operate it. In one year, with respect to my local zoning authority in one place, of which it's close to 100 pages to regulate 1,500 people, which is also a little verbose, about 20% of my time was spent on non-productive labor. That is, sitting at my desk pointing out this or that that had to do with paper problems in the permit process. 20% of an individuals time for a year in a completely non-productive effort which could have been accomplished in a matter of a week if allowed to operate materially of actual productive effort. And what I thought I could read into this was that actually by being interested in the use of the water or access to the water that you intended to encourage marinas and intended to encourage state ramps, state parks along the water, and also at the same time protect sections of the coast line that had not been developed.

Now one thing you haven't done, and probably you don't really want to do because it might not be politically expedient, is that in any--almost any zoning, the so-called

WILLIAM SPICER (Continued): higher use may occur in any of the lower zones. You can put a single family residence anywhere. If they zone it heavy industrial because it's prime waterfront and a guy's got a big house that sits right in the middle, he doesn't even have to come in here for a permit, or if he does, he slides right through because he's exempt. Yet, if somebody that has the use of a marine related that's not among the exempted uses wants to put up a small building, he may have to file a very expensive site plan. And 10 to $20,000 is not all the way on a site plan. Some of the zoning authorities now are fantastic site plans. They occur in pages. So you try not to have to file them, or you play non-conformly, but this is a very real area. So is the escrow thing. For one perfectly related development, it took me twelve site plans and four years, and it was legal all the way.

These are the problems we wrestle with down here on the beach, and you fellows up in Hartford only hear about them when somebody like Wit Davis storms in here and tells you about marsh, or somebody like me stands up or Mr. Sheetz and says hey, there's some problems down here on the farm, guys, and the regulation doesn't work the way you intend it. If you allow a big site plan, believe me the guys are going to file site plans - a LOT of them, under certain conditions. But if you can affirm the fact that what you intend so that a judge would understand it clearly, that you intend to encourage marine related usages on the shore, you won't have any problem and you'll cure a lot of it if you'll write it in.

Now, in one section...

REP. ALLYN: I'd like to make one comment. What we did do in the legislation--it encourages marine related uses on the shorelines in those areas where it's appropriate.

WILLIAM SPICER: That's a reasonable conclusion.

REP. ALLYN: That is in...

WILLIAM SPICER: Reasonable is that catch word, we're helping the attorneys here. There's no question about it.

REP. ALLYN: We can't--it would be difficult to say that a marine use is appropriate along the entire coastline.

WILLIAM SPICER: That's also agreed. We have to use some sense, but the question is, we also have to encourage the use of

WILLIAM SPICER (Continued): sense, because all too often in many of the smaller residential areas along the coast that we have--if you live inland, this is where you have to go through in order to get to the water--the attitude has been on the board, pull up the ladder Jack. And if you think if you think your answer is well let's put it this way, Rufus, you ought to know, although your pretty safe, some others of us are a little more exposed

REP. ALLYN: You know wat (inaudible)

WILLIAM SPICER: I would like in--to call some attention to line 485, and as that is facilities and resources which are in the national interest, and as that applies a little further down to 506, provision of adequate state, federal, and I would like to add or private marine related recreational facilities. If we, as a general public, had to rely on all the state and federal provided access to the water, there aren't too many. Or if they are, you can use them, can't get to them, or they're badly maintained. Most of your state's population goes through your various marinas, be they large or small, and they far outnumber the other facilities.

And I would like to agree with a little change in line 127, which was brought forth by Mr. Chapin, that water enhanced uses might be somewhat downgraded. Water dependent uses are the ones that you are probably more concerned with, or you certainly should pull the pandemonium apartments and single family residences out of the enhances category. Anything is enhanced by being near the water, especially a tax bill, and so is your paperwork. Anything you can do to reduce our paperwork and improve our recreation, as I frankly think that our recreational time is important so that our industrial society doesn't drive all of us stark raving mad, would be something that we would sincerly appreciate. Thank you.

REP. ALLYN: Dean Anderson.

DEAN ANDERSON: I speak on behalf of myself, and I'm also a member of the Connecticut Marine Trade Association, so I speak to some degree on behalf of them. The well worn addage that those that govern least govern best--if the effect of the CAM bill is going to be a slice through some regulation so that the folks that own and operate marinas, water dependent uses of land can get their facilities built and maintained in a manner which is more expedient than what they are currently exposed to, then I guess I'm

DEAN ANDERSON (Continued): in favor the CAM bill, and I think it ought to be passed.

As far as the technical revisions in it go, I don't have any particular comments on that. That's all I have to say.

REP. ALLYN: Thank you very much. We have no more speakers listed, is there anyone else who would like to comment?

ANTHONY DUKE: May I...

REP. ALLYN: Come up and give your name.

ANTHONY DUKE: My name is Anthony Duke Cobbleview Terrace, Stonington, no title - just a taxpayer. I have a little--I've been looking at this little book, and I notice all your coastline is fine and they all have train tracks. Now they've been changing the rails, and they've been cutting the tracks in half and throwing them overboard. I only live about 300 yards from the railroad tracks and we have a right of way to the water. And I walked down there at low tide yesterday, and I could show you half a dozen of them that floated over.

Another thing is last summer I was out in a rowboat that I have and I hit something. I went back looking for it, but couldn't find anything--find anything, and I'm pretty sure it was railroad tracks.

Another thing that I don't think that they should allow is they have big draggers and these are not small ones, these are maybe 400 foot long, and they're--they're just outside the Stonington Harbor dredges. I called the police on the CB radio to see what I could do to stop that. A lot of people say they don't drag the bottom, but I live inside the coast or inside--you see you've got your water coming in, nothing taking it out, and that cove is still in there. That cove now has been there since 50, and I'll bet it has filled in better than two feet. People don't realize how bad that cove is filling in. There's a lot of stuff coming in, and there's a lot of activity outside, a lot of boats, and nothing taken it out, and the wind is just taking the stuff up on shore and it just lays there and keeps building up.

I think a lot of that--something should be done about it. Especially these railroad tracks. Every owner of land--a coastal land has got railroad tracks going through it.

ANTHONY DUKE (Continued): You'll notice that any cove that you have in Stonington has railroad. Now if there gonna keep throwing railroad ties over, it's going to fill that cove. We're having enough stuff coming in there now. I think some provision ought to be made to get rid of that.

REP. ALLYN: Thank you very much.

ANTHONY DUKE: Thank you. Yes.

MEMBER OF THE AUDIENCE: Just to comment on this subject of water dependent uses as against water enhanced uses, and that is Peter Goldmar, the Director of the Board of New York Authority spoke at Yale on the first of this month to the school of forestry and environmental studies. And I expected him of all people to be expecially for water dependent uses. And though he spoke in favor of a balanced economy, little houses and condominiums, stores, parks, and all sorts of uses mixed in with his big contatorship of loading and unloading facilities. So I think that you've got a very difficult problem unless you allow some use of both kinds of uses and leave it up to the local zoning people to determine.

REP. ALLYN: Thank you. One more comment. Okay.

DAVID CAMPBELL: My name is David Campbell, again. In the context of the question I asked previously, I was given an answer which falls under line--starts at least under 1173, the Zoning Commission may by regulation exempt any or all of the following uses, and it goes down; but what it does not say there is that if someone owns a piece of residential land and wishes to amend the zoning regulations to change that to a commercial use, that now will not be covered by this paragraph and that that would have to be reviewed by the Commissioner and as I see it you would have very little alternatives than to recommend that that parcel of land be changed from residential use to a marine related use. Is that not true?

REP. ALLYN: Wait a minute. Could you repeat that again? I'm sorry.

DAVID CAMPBELL: On a change of zone of a piece of property that is residentially zoned, a person could come in and ask that that zone be changed to a commercial zone to permit marine related uses. That amendment would have to go before the Commissioner for his review.

REP. ALLYN: No, it wouldn't go before the Commissioner, it would go before the local planning and zoning. If the Commissioner...

DAVID CAMPBELL: An amendment to the zoning regulation?

REP. ALLYN: Oh, an amendment to the zoning regulation.

SEN. SKOWRONSKI: It still goes to the local planning commission. The Commissioner has no jurisdiction here relating to submitting amendments and proposing amendments and changes to the...

DAVID CAMPBELL: Then why...

SEN. SKOWRONSKI: But always those say that the local authority may file on what the Commissioner says, but they don't have to. Though the Commissioner--what the Commissioner--findings of the Commissioner generally are advisory on the local authority, not mandatory.

REP. BELAGA: But the truth is that if a local municipality decided to do our own total plan of development, change totally, rethink, replan their postmark and do all the series of zoning changes to accomodate any changes they might want to do on their plans, the Commissioner would indeed look at those plans and those zoning changes, to see that they do comply with the old policies.

DAVID CAMPBELL: There is a lot of residential use on the water--a lot of residentially zoned property on the waterfront.

REP. BELAGA: Incumbent upon your planning commission to use the goals and criteria in this bill...

DAVID CAMPBELL: In other words, we should go along with the proposal to...

REP. BELAGA: Am I saying it wrong?

REP. ALLYN: No.

DAVID CAMPBELL: That's what I read into this...

REP. ALLYN: ...to mandate a change from residential to commercial and I say not it's not.

REP. BELAGA: No we do not mandate that. No it's your...I'm getting tired, you're right.

REP. ALLYN: You can consider it. Thank you. No further comments? Thank you very much for coming; and I'm sorry that the meeting started late, but we had to woodchop for Smokey.

Xerox 1574

STATEMENT FROM GROTON PLANNING DEPARTMENT
CONCERNING BILL NO. 7878, ENTITLED
"AN ACT CONCERNING COASTAL MANAGEMENT"

This office has reviewed the above mentioned legislation and feels that its contents are a substantial improvement over previous bills. The bill specifically lists criteria used to evaluate coastal site plans and requires that the reviewing agency shall consider these factors. In addition, the bill provides for flexibility in requiring that coastal towns come up with revisions to their Plans of Development. Section 6(b) of the Act provides for grants of not less than $2,500 for towns to carry out their responsibilities of the Act. This amount does not appear to be sufficient to carry out day-to-day administrative requirements required by the Act. The Groton Planning Department estimates that a minimum of $10,000 would be necessary to offset the costs of administering the site plan review and enforcement of coastal plans. Additional costs of developing a municipal coastal program ~~could~~ CAN be expected. Depending on what is furnished by the State, the costs of developing a coastal program will most likely be in excess of $15,000. Because of these costs, it is urged that sufficient consideration be given to assisting the towns with possible financial burdens of administering and developing the program. With adequate financial concerns addressed, the towns will be in a position to insure that coastal resources are managed in an effective way, thus insuring the future protection of our coastline areas.

Richard J. Gulick
Director of Planning
March 28, 1979

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ENVIRONMENT

Clinton Town Hall
(Court Room)
March 29, 1979
7:30 P.M.

PRESIDING CHAIRMAN: Senator Knous

COMMITTEE MEMBERS PRESENT:

SENATORS: Skowronski

REPRESENTATIVES: Allyn, Emmons, Tiffany

SEN. KNOUS: Good evening, I think we will start. Most of the
Belt #1 people have arrived, I believe, and if there's anyone else who wishes to speak, they can sign up at the table in the front.

I'd like to introduce myself. I'm Fred Knous of the 33rd District. On my right is Linda Emmons, who many of you know, from the 101st, which is Clinton and Madison, and Rufus Allyn from the other side of the Connecticut River is on my far right. Over on my left is Senator Gene Skowronski from the Hampden area. Gene is co-chairman of the Environment Committee; and we're joined by Liz Tracey, who works up at the Capitol and Arlene, the Clerk of Environment with us this evening.

We've been traveling around the state this past week and also a little bit of last week from Stamford, last night up in Groton, and we're very appreciative of the turn out that we received in the other towns; and I see we're not dissappointed tonight. There seems to be a lot of interest in this bill, and we do appreciate it.

HB 7878

There are several public officials who have arrived tonight, and we're gonna call on them first. If there's any other public official who wishes to speak and did not sign this sheet, or signed on the other sheet by mistake, please let me know, and we can certainly include you on that list.

The first speaker is Mr. Bullard.

MILTON BULLARD: I'm Milton Bullard, and I'm from Guilford. I'm a member of the Board of Selectmen and also a member of the CAM Advisory Board, representing the Regional Planning Agency of South Central Connecticut. I'd just like to say that the RPA has endorsed the bill, the Board of Selectmen in Guilford; and at a meeting Monday evening, our Planning

MILTON BULLARD (Continued): and Building Commission unanimously endorsed it; and last night at a meeting, the Inland Wetlands Commission also endorsed it. So we'd very much like to see it go through and hope that you'll enact it. Thank you.

SEN. KNOUS: Thank you very much. Are there any questions from the Committee? I guess not, thank you. Mr. Wuerth.

TOM WUERTH: Chairman Skowronski and members of the Committee, I'm Tom Wuerth. I happen to be the Town Planner in Guildford, but I've been asked to represent the Guilford Planning and Zoning Commission membership tonight by a vote of that Commission. They are sorry not to be here in person, but they've had--most of them have had three night meetings this week already and have other commitments.

I'd just like to say that the Guilford Planning and Zoning Commission has watched and studied the throws that this bill and this program has gone through in Connecticut and have been quite aware of the various turns, changes that have been made. They also have obtained and read House--I mean--I beg your pardon, Raised Bill 7878 prior to taking action.

I would like to save time and have the privilege of reading a brief letter into the record. It's addressed to the co-chairmen of this Committee and its members and it's referenced to Raised Bill No. 7878 on Coastal Management.

Gentlemen and Ladies: The Guilford Planning and Zoning Commission has followed the progress of and testified in favor of previous proposed legislation for Coastal Area Management in Connecticut. We have reviewed the above-referenced Committee Bill, which we understand will be presented for action by the General Assembly this session.

(And aside I hope that's not--that is a right assumption, because I realize that has to be raised by a Committeer for the Committee.)

We endorse the proposed legislation and strongly recommend its passage.

Guilford is one of the coastal area towns with some 16 miles of irregular shoreline, significant tidal wetlands and two tidal rivers. We have attempted to protect the coastal area of Guilford within the coastal boundary, as

TOM WUERTH (Continued): defined in the act, but in certain cases have not had the legislative authority or expertise to retain certain critical areas or preserve natural resources under the pressure of development. The availability of the Department of Environmental Protection, through its Commissioner and staff, with technical data and limited grants, will be of great assistance to our Commission and our town.

Since you are holding several hearings, we do not wish to consume time by commenting on all aspects of the proposed legislation. Our Commission unanimously urges a favorable report and affirmative action by the General Assembly. We request that this letter be read into the record of your hearings. Sincerely yours, Peggy B. Smith, Chairman of the Planning and Zoning Commission.

I'd like to give this to your Clerk to have it made part of the record. Thank you very much.

SEN. KNOUS: Thank you. Any questions? Next is Mr. Papa and Barbara Deitrick is--follows Joseph Papa.

JOSEPH PAPA: I think I've heard enough so that I'm ready to speak. I am taking an opposing view to the ones that were just taken. Incidentally, I'm speaking for myself as a citizen, not in any capacity; and I'd like to change this topic of the bill from environment to confiscation. And I'd like to just underline a couple of things. I noticed in the small pamphlet dealing with--actually the bill--development of Connecticut coastal area has been extensive. Demand for recreational opportunity in the coastal area, particularly boating and swimming, currently exceeds the capacity of available facilities. The waterfront, Connecticut's major ports, is under-utilized and existing urban waterfront uses are not directly dependent on proximity to coastal waters.

On the next page, there's another line that says beneficial development has been hampered by often contradictory public decisions and only by encouraging further development in suitable areas and by protecting those areas utilized to be developed. I went that far, and I said this thing already begins to sound more and more like you're talking about protecting the environment. But what you're really talking about is doing is confiscating the shoreline. You offer us some funds and in return we're gonna have to let the area develop the way this Committee might, this CAM Committee might feel is in better proximity to the area

JOSEPH PAPA (Continued): than what you might feel and so the rights of the small town will be further eroded. We've been studies every which way we can possibly be studied. there isn't really isn't that much more area, at least in the town that I live in, that's immediately on the shoreline that's gonna be able to be developed. Whatever can be devloped with all the expertise and all the studies that have been done in the area, we probably could get the knowledge together and dig out all the things that the Coastal Area Management would do. And this just seems to me to be a bill for another government agency to justify there existence.

And that's probably all I really have to say about it. I'd rather see it not passed, and people that feel that way know the way that their elected officials do vote on it.

Thank you.

SEN. KNOUS: Thank you for your comments. Are there any questions of the Committee members? Barbara Deitrick.

BARBARA DEITRICK: I want to thank the Committee for their efforts in going around to all these different hearings. I think it's really beyond the call of duty.

I'm Barbara Deitrick, Chairman of the Old Lyme Planning Commission. We support the Coastal Management Act and urge its adoption.

Our commission has long felt the need for powers to consider environmental as well as economic factors in its review of development proposals. This bill answers that need, at least in part. We believe, however, that it should be amended to grant the town the option to include the entire town in the coastal zone. Our whole town is a coastal zone. Its several river basins drain into Long Island Sound or the estuary of the Connecticut River.

We are also concerned about delay in implementing the act and suggest that the effective date be changed to "immedeately on passage". Any delay in putting this legislation in force could hasten development in the effort to get in under the wire.

Som rather wild rumours concerning local costs for the program have come to our attention. We already have site plan review regulations. In our experience, the greatest cost is for technical review. The necessity for this depends

BARBARA DEITRICK (Continued): on the character of the applicationand is by no means required in every case. The bill's provision for technical assistance should eliminate this cost. We also feel that this is a sensible way to provide technical expertise.

We are also pleased with the guarantee of funds to the municipalities. This is a distinct departure from past state practices whereby too often programs have been imposed on the towns without provision for financial reimbursement. Our congratulations to the Environment Committee for their foresight in this matter.

Legislation to protect our valuable coastal resources is long overdue. To date we've met the problem by commissioning another study to crowd the library shelves or to fill up the town dump. It's time we acted. This is a sensible proposal. Rather than diluting local powers, it enhances them by ensuring that state projects are consistent with the goals and policies of the act, by increasing local zoning and planning authority, by providing a means to call federal agencies to task when one of their projects endangers our shore.

Thank you very much.

SEN. KNOUS: Thank you. Any comments or questions? Representative Emmons.

REP. EMMONS: Hi, Barbara. If you were to expand the coastal boundary to include the whole town, would you then have a single family residents be a right on a approved residential, as has been done, than be in the Wetlands.

BARBARA DEITRICK: I think that it would have to--it might require the two tiered where you might have a different kind of--a little stricter regulation for in shore...

REP. EMMONS: So what you're really not saying--you're not saying to amend this by just taking out the coastal boundary and have all these...

BARBARA DEITRICK: Well I wonder if--since the bill does provide for a--in this case on the single family dwelling, depending on your local regulation, as I understand it...

REP. EMMONS: They may--they may accept it, but I think you would have to exempt the whole town. I mean you can't say we'll exempt these three streets...

BARBARA DEITRICK: I really think the two tier approach would be--would make sense for our town. I'm not too familiar with the natural resources of any time except my own, but certainly all--we have several drainage basins, and every one of them drains into the same place, and it would seem a matter of sense that we are--the whole town is coastal. And that I think that this narrow surface is--you know--has disadvantages, although I'm very happy we have anything. I don't want to inject anything into it, but that might create a problem. I really am terribly much in favor of the bill.

REP. EMMONS: Thank you.

SEN. KNOUS: Thank you very much. Irwin Chase, followed by W. L. Swartzbaugh.

W. L. SWARTZBAUGH: Ladies and Gentlemen. First of all, thanks
Belt very much for the opportunity to express an opinion here.
#2 I'm sure none of you have heard of the opinions of the Connecticut Marine Trades Association. I happen to be Chairman of the Board of CMTA, and there are members of that Association whom we pick named CAM long since because of their constant participation in this.

I think CMTA is probably the only organization in the state which has had CAM on its agenda of all of its board meetings and general association meetings for the last two years. If you ask us whether we are for it - you better believe it. And I think any member of the Connecticut Marine Trades who at one time or another has felt that his primary concern was the protection of his own marine business has long since become non-partisan as he has talked with other citizens in the state who scallop or dig clams or go fishing or watch marshes or study birds or sail boats or launch things or play in the water or go to swimming classes on the beaches or wonder why the refineries can only put their tanks on the beaches.

I think one of the thinks which impresses all of us is that this brings together all levels of government, it lays all the cards on the table, it enables everyone whatever his interest to express his views and it puts them in a codified form that enables us to do some intelligent planning.

There are just one or two other--one other observation I would like to make. About two years ago, in a meeting of the New England Trades Assocation which involved the Connecut Association and others, two men as part of a presentation

W. L. SWARTZBAUGH (Continued): one of them a boatyard owner, who happens to be in this room tonight, and another one a very responsible planner, land developer and contractor, discussed the use of waterfront land. The developer said in so many words, if those of you in the marine industry do not get yourselves together in your defense of waterfront land, the incentives for any developer are so high that he will over a period of time erode whatever defenses you have, do whatever is possible in whatever legal way to use that land for other purposes than those which may necessarily require waterfront property. That has remained in my mind throughout the period of my association with the development of CAM, and I think one of the advantages of this bill is that it makes available to us all a vehicle for expressing our views with a hope that everybody's card is on the table, and all of us can plan intelligently for the use of what is a disappearing resource.

Thank you very much.

SEN. KNOUS: Thank you. Any questions from the Committee? I think we probably can get a few more chairs in here. We have, certainly, room. I see some people standing. Gail O'Leary and next is Thomas Elliott. And I would remind the speakers, please if you remember to state your name and address so we have it for transcription. Thank you.

GAIL O'LEARY: I'm Gail O'Leary from Guilford, Connecticut, and I'm representing the League of Women Voters of Guilford.

The Coastal Zone Management Act of 1972 is a significant federal law. It offers a comprehensive, long-range and coordinated program for effective management, beneficial use, protection and development of land and water resources of the nation's coastal zone. It provides Connecticut with the authority to implement a strong program for the management of its resources.

Although the need for better management of Connecticut's coastal resources is generally recognized, it has taken millions of tax dollars, years of effort, for example, the Long Island Sound Study, and countless hours on the part of a competent professional staff, individuals and organizations, for Connecticut to reach this point of decision.

Guilford citizens in League-sponsored meetings have pointed out the need for a significant coastal management program with financial and specific technical assistance, particularly

GAIL O'LEARY (Continued): when the Guilford regulatory body reviews coastal site plans. We would like to see this money and effort put to use in our community to preserve our precious resources.

Political pressures from private interests, fear that some local autonomy may be lost, and the difficult issue of preservation versus development, all contribute to the costly delay in implementing this program.

The Guilford League hopes that all coastal towns will see the value of implementing this program as a coordinated effort to manage resources that affect the entire coast. We support a mandatory program.

Opponents have managed to eliminate measures recommended earlier by the CAM staff; that the program be mandatory, with an integrated state/local management system; a two-tiered boundary; identification and site-specific designation of areas of particular concern; determination of permissible uses by performance criteria; and regulatory power assigned to the Department of Environmental Protection.

These measures would be beneficial for the effective management of our deteriorating coastal resources. They would also be very useful in guiding development and sound economic growth.

All of these, we believe, would have been allowed under the federal law. The present proposal, however, meets only minimal requirements for federal approval. The bill makes the program voluntary. This, we feel, would be detrimental to a town which chooses to enter the program and its neighbors do not. It also eliminates the option of a two-tiered boundary. The DEP Commissioner would have no authority to promulgate regulations. The site plan review would be subject to several questionable exemptions.

Nevertheless, the Guilford League of Women Voters will continue to support the concept of Coastal Resources Management in the interest and for the protection of the public welfare.

We urge your Committee to consider the public participation and support which has beensignificant in the development of the CAM Program.

Despite the changes which have been made, we ask you to issue a favorable report. Thank you.

SEN. KNOUS: Thank you. Thomas Elliott, followed...

THOMAS ELLIOTT: I'm Thomas Elliott, Chairman of the Westport Planning Commssion from Westport, Connecticut.

Chairman and members of the Committee, it is very, very evident that a lot of time has gone into the revisions, rewriting, research and response to both private and public concerns in this legislation. Our Planning Commission, unfortunately, has not had the opportunity to review the thirty-seven pages and to meet and come up with a responsive reply to this in time for tonight's meeting. However, in the past I think you will remember that we have responded questioning some of the details and some of the provision which we felt were detrimental to our particular town.

However, personally, I feel that on balance this particular version of the legis--of this bill outweighs the disadvantages. The good outweighs the disadvantages. I don't feel that we would be able to come up with a better bill. I will personally support this bill and present it to our Commission at our next meeting and, hopefully, we will be able to respond at a later time to your Committee and to our representatives.

Thank you.

SEN. KNOUS: Thank you. Just one general question, if I could.

THOMAS ELLIOTT: Yes.

SEN. KNOUS: As you think back to prior bills that were proposed and compare them to this bill, is there any one or two particular areas that you see that you feel more comfortable with with this version as it...

THOMAS ELLIOTT: Yea, well, the spelling out of all the detailed provisions within this bill clarifies a lot of very vague areas that were interpreted by local citizens in all frightening ways. I feel that the local autonomy provisions of this particular bill are covered very well, and the emphasis on the Planning and the Zoning Commissions to implement the various phases of it, the response to the site plan reviews, the exemptions to the single family residential type of operation will not necessarily placate but will help a lot of the local individual property owners who felt that their land was being taken away--you know--that their personal rights and privileges were being removed.

THOMAS ELLIOTT (Continued): Actually, I think this in balance is a good bill. The site plan review is something special that our town needs very desparately. We're one of the few towns that does not have a site plan review process. The Westport Planning Commission has been fighting for this since 1972. Hopefully, with the help of this legislation we will have this type of a review process.

Does that answer your question?

SEN. KNOUS: Yes, it does. Thank you very much. Next Stuart McKeever.

STUART MC KEEVER: Mr. Chairman, ladies, and members of the Legislative Committee. My name is Stuart A. McKeever and I am a resident of 36 Edgewater Hillside in Westport, Connecticut. I have prepared my testimony in written form, which I respectfully request to read into the record. Subject to your direction, I have prepared copies of the testimony for review by the Committee members, and I would ask that the Clerk accept the original of the testimony as part of the record this evening.

I appreciate the opportunity of appearing here, and I represent the Westport Conservation Commission here this evening as a member. We are somewhat upstate, but because of personal commitments on the part of Committee members, we were unable to attend the other public hearings perhaps in a jurisdiction closer to our homestead, and I thank you for this opportunity of appearing.

The Conservation Commission of the Town of Westport was established in 1972 and thereafter, in April of 1973, the Town adopted regulations for the protection and preservation of inland wetlands and water coursed located within the boundaries of the Town through the authority granted pursuant to the provisions of the Inland Wetlands and Water Courses Act.

The Conservation Commission of Westport is actively engaged in regulatin all activities that may affect and/or impact areas in our community that fall within the definition of an inland wetland or water course. Application procedures have been established by our Commission for the licensing of regulated activities within regulated areas. In the event that an applicant requests permission to conduct a regulated activity and to receive a permit for that purpose, the Westport Conservation Commission notifies tha applicant as to the requirements for conformance with the guidelines

STUART MC KEEVER (Continued): established. The Conservation Commission has the authority to request documentation including, but not limited to, a site plan, environmental impact statement, water shed date, description of the proposal in detail, soil erosion and sediment control measures, air quality, noise disturbance, and mitigating measures that would include steps to enhance the value of the areas of the regulated activity and the ecosystem involved.

Attached hereto and made a part of my testimony is the order of procedure, fact and information request sheet, and permit conditions form utilized by the Conservation Commission in Westport. Not all information on the request sheet is required from every applicant. Nevertheless, this exhibit is being presented to you for your evaluation to shown that the Conservation Commission's review includes the very items that would fall within the purvue and jurisdiction of the Planning and Zoning Commission as that body is defined in the proposed Coastal Management Bill.

It is essential to the continual and vital existence of our Conservation Commission that consideration be given to an amendment to this bill I am proposing here this evening which would recognize the existence of a Conservation Commission as a proper administrative and municipal body to pass upon those matters coming within the definition of regulated activities in the coastal
Belt management bill that are consistent with the regulated
#3 activities that the Conservation Commission oversees pursuant to the Inland Wetlands and Water Courses Act.

This is not to say that a Conservation Commission should seek under this bill total and exclusive jurisdiction over all aspects of site plan review or a coastal management program. Rather, the jurisdiction of a given Conservation Commission should be permitted to extend to those aspects of a site plan review under this bill that are consistent with the type of site plan review the Conservation Commission undertakes when reviewing an application for the conduct of a regulated activity within an area falling within the definition of an inland, wetland, or water course and this should not just be advisory in nature.

Innumerable examples can be illustrated of the problems that will result if recognition is not given to the work and jurisdiction of Conservation Commissions such as exist in Westport.

We have in Westport, adjacent to the state owned Sherwood Island, an extremely large area of tidal wetlands. This

STUART MC KEEVER (Continued): has been commonly referred to as Sherwood Mill Pond. Several water courses north and west of the Town of Westport find their way through various channels, brooks and eddies into the body of Sherwood Mill Pond. The water of the Mill Pond is blackish in nature with the tidal water of Long Island Sound mixing with the flow of fresh water coming in from the northern and western boundaries of the Pond. With the establishment of the coastal boundary under this bill, we could conceivably have an applicant seeking a permit for a regulated activity pursuant to the regulations of the town over which the Conservation Commission has jurisdiction and the next door have an applicant, because of the location of the boundary line, having to submit his application solely and exclusively to the Planning and Zoning Commission. While planning and zoning has a broader jurisdiction to consider, such things as population density, building requirements, setbacks, variances, space utilization, traffic control, etc., its functions under this bill need not operate to effectively shut out, if not cut off, the legs of the Conservation Commission on subject matters over which our Conservation Commission is already exercising its review and enforcement powers.

In Section 15(b) of the proposed coastal management bill, the Zoning Commission may by regulation exempt certain uses from the site plan review requirements. Again, conceivably a Zoning Commission could exempt from regulation an activity that would be prohibited under the Inland Wetlands and Water Courses Act as adopted and applied by the town and the Conservation Commission. Specific areas of jurisdiction might very well be contigous or adjacent to one another. To disallow a deferral of jurisdiction to the Conservation Commission or perhaps more precisely to disallow an extension of the jurisdiction of the Conservation Commission to site plan review the same subject matters that we review within the Commission's present jurisdiction would be an improper curtailment of its powers and duties.

We of the Westport Conservation Commission do not seek to exercise ontrol over the areas historically governed by planning and zoning commissions. We do seek and request consistency and an even-handed flexible delegation of power by the State of Connecticut to the municipalities involved so that they may adopt to their specific needs and delegate to the proper municipal body or bodies the proper jurisdictional powers envisioned by this Act.

STUART MC KEEVER (Continued): It is respectfully requested that the municipal legislative body of a given township be authorized to vote by this Act to delegate, transfer or defer jurisdiction for site plan review to the Conservation Commission those areas of concern that are consistent with the provisions, regulations and enabling legislation contained within the Inland Wetlands and Water Courses Act and within the boundaries of the legislation that authorized the birth of Conservation Commissions throughout this state.

We have a full time environmental officer, Fran Pierwola, who is an exceptionally gifted and dedicated specialist on environmental issues. The members of the Conservation Commission in Westport actively meet and work together. The Commission members of Westport consider this bill a barricade to the proper logical and consistent extension of its jurisdiction to the same areas of concern over which it already has power.

My specific recommendation is that Section 11 be amended by inserting in subparagraph B a subsection 7 starting at line 1050 of the proposed bill, reading as follows:

In the event that a coastal municipality shall have established a conservation commission pursuant to the authority granted in Section 7-131(a) of the Connecticut General Statutes, the legislative body of said municipality may by vote extend the jurisdiction, rights and duties of said commission to include a review of coastal site plans and/or a municipal coastal program consistent with the rules and regulations for the conduct of regulated activities as the same are defined within the Wetland and Water Courses Act.

It was the legislative body of the Town of Westport that authorized the establishment of a Conservation Commission. The proposal for the municipal legislative body to have the option and flexibility proposed above would be entirely consistent with what has heretofore been accomplished.

If I may add a personal note, I have lived for the past ten years on the edges of Sherwood Mill Pond itself. To say that the Conservation Commission of the Town of Westport cannot operate jurisdictionally over any regulated activity that may fall within the coastal boundary to be established by this legislation makes no sense. In fact, it abuses common sense, and common sense is what ultimately dictates our survival.

STUART MC KEEVER (Continued): It is of extreme importance to the Conservation Commission of the Town of Westport that you consider the foregoing.

I am greatly appreciative of this opportunity to appear here this evening, and I thank you for your attention.

SEN. KNOUS: Thank you. You're leaving a copy of that proposed amendment, I believe.

STUART MC KEEVER: Yes, sir, and a copy of the exhibit which is a copy of the information request form and a brief summary of what information we do seek and pass upon in accordance with our review for applications for regulative activities. Thank you.

SEN. KNOUS: Thank you. Any questions? I believe there's enough seating over there, if not we'll go out and get a few more chairs, if you gentlemen want to go ahead over.

REP. EMMONS: ....Just one question. Do you wish to have the Conservation Commission in the areas that they have jurisdiction presently to also apply this act in those particular areas?

STUART MC KEEVER: Yes.

REP. EMMONS: So you want the two together, not only the inner wetlands but the coastal area.

STUART MC KEEVER: That's correct.

REP. EMMONS: So those areas whichever...they are defined that they are yours to, right now, adjudicate problems in that you would take both of those and then the BMG would do anything relative to site review outside of the areas that you presently...

STUART MC KEEVER: That's correct...if I...basically perhaps it's a facetious example but when you get to the third fragmenties on the right, you are in PNZ territory, and if you go to the second one you're in conservation territory, and it just makes no sense to us but, again, I am not seeking to have one Commission be delegated over another because I understand that has been the subject of substantial review by the Committee itself. Thank you.

SEN. KNOUS: Henry Maguire and Mike Moore.

HENRY MAGUIRE: Hello, I'm Henry Maguire, chairman of the Connecticut River Estuary Regional Planning Agency. I have a formal statement here by our Executive Committee - it's to the Chairman and the subject is Raised Committee Bill 7878.

Gentlemen: The Connecticut River Estuary Regional Planning Agency Program Committee briefly reviewed the contents of the above noted bill this afternoon, March 29, and found that most - if not all - of the agency's concerns or objections to the previous study's commission draft of last fall had been addressed to its complete satisfaction.

While time did not permit an exhaustive analysis of the proposal or full agency review and discussion, the Program Committee had instructed me as agency chairman to commend the Environment Committee, and its subcommittee, which worked long and dilegently on the current draft and a job well done.

The present proposal is one which we, as a committee, now believe to be workable in an area such as ours balancing local, state and federal interest in an acceptable manner. The Program Committee is therefore prepared to recommend endorsement of the proposal by the Connecticut River Estuary Regional Planning Agency when it next meets and passage of this bill to our area legislators.

Sincerely,

Henry Maguire, Chairman

Personally, I would also want to commend the Board on a job well done. I know the time you people have spent on this thing and I know balancing out a decent bill between the right and left, if you will, of the spectrum of this problem is - I've been through that personal mill myself, you know, I know exactly what you are faced with - but, good luck anyway. (laughter)

SEN. KNOUS: Thank you.

HENRY MAGUIRE: Oh, well, you've got our support and we have the biggest...we have the most number of towns in the largest area of the coast race, so let's hope that will be something.

SEN. KNOUS: Thank you very much. Any questions? Senator Skowronski.

SEN. SKOWRONSKI: Out of curiousity, what towns do you have within...?

HENRY MAGUIRE: We have - starting from Clinton, Westbrook, Old Saybrook, Essex, Deep River, Chester, Lyme, and Old Lyme - and Killingworth up the back woods.

SEN. SKOWRONSKI: So when you give the endorsement of the RPA - does that implicity give...have you discussed this... discussed this with the chief executives of those towns?

HENRY MAGUIRE: Yes - no - maybe at some towns. Generally speaking, though, that is true. We do have...we've been through this thing...we've studied this bill and lived with it, I guess, for the last 2 1/2 - 3 years. We generally feel that our towns know what the bill is all about, and we, of course, do have some objections to it within the town - the various towns - but I would say generally we have very strong support for this new bill.

SEN. KNOUS: Thank you. Mike Moore.

MIKE MOORE: Good evening, Mr. Chairman, members of the Environment Committee, my name is Mike Moore. I'm the Executive Director of the Connecticut Construction Industries Association, which is a statewide association that represents, among others, those persons who would develop land, that is, real estate developers, those who do the dredging around our state, those who build marinas and make other uses of these coastal waters.

I would like to also add to the long list of congratulations that you had this evening, having been with you through the four or five hearings we've had either last week or this week. I know the hours that you put in and, finally, thank God, it's all going to be over tomorrow, I guess, at least for the Committees.

What I would like to talk about this evening, though, before I start my prepared comments which are very brief - I'd like to respond to several questions which several other speakers have raised already this evening. One of those speakers suggested that perhaps it would be good idea if all of the towns in the coastal area were included in this plan, and reading this bill as an attorney, and having read it dozens of times - and for those of you in the audience who just picked up this bill tonight, I really...I commiserate with you because it's really a difficult thing to get through.

But on Page 15, I would suggest the Committee - it might be a possible interpretation when they define the...Connecticut's coastal area that the towns which are listed as being the boundary for that coastal area, when including the word

MIKE MOORE (Continued): "towns" you may have already included the entire town. I assume that the intent is that the limit of the coastal area will be at the boundary of the town. So to say I think the intent of the bill is to say that that area of the town which is one the water - 1,000 feet above the high mean water mark - is the limit, but I think another reasonable interpretation of that - I'm talking about line 569 specifically where it starts naming those towns - might be that the entire town is included. Don't you think it is a reasonable interpretation?

Belt #4

REP. EMMONS: If it's not reasonable, it's possible.

MIKE MOORE: It's possible and where it's possible, it leads to problems.

REP. EMMONS: (inaudible)...then you've got a litigation.

MIKE MOORE: Unfortunately, and that's a problem that the people I represent would like to avoid. Whether you decide that a particular piece of property should be conserved, should be developed in some reasonable way, at least we think it's fair that the person who owns that property know and that he not be involved in any costly time consuming litigation.

REP. EMMONS: You could just, you know, define those as coastal towns - we use the word coastal towns elsewhere. Maybe that would be a way to get around that in Section B.

MIKE MOORE: Or the coastal boundary of those towns

REP. EMMONS: Yeah.

MIKE MOORE: So that way you would know which side of the town you are talking about.

SEN. SKOWRONSKI: Mike, you're getting us at a weak and tired moment. (laughter)

CROSS CONVERSATION: That's true - you are in the fifteenth round, that's for sure.

SKOWRONSKI: You raise a plan, although the heart of the plan, which is the coastal sight plan review, Section 11, really says that site plans shall be submitted for applications for activities or projects located fully or partial within the coastal boundary and the land word of the mean high water mark. And coastal boundary is defined earlier as that stretch of land within the 1,000 ft. mark - so, at

SKOWRONSKI (Continued): least, in the sense of coast site plan review, which is really the heart of the act doesn't apply to the whole town, but the land within the coastal boundary.

MIKE MOORE: Right, but you're talking about two separate things, one's the coastal boundary and in this section we're talking about what the coastal area is.

SEN. SKOWRONKI: Yes, but what I'm saying is the real regulation, as I understand it...

MIKE MOORE: is for coastal boundary, yeah.

SEN. SKOWRONSKI: The real regulation imposed by act is through the site plan review and that's applicable only to land within the coastal boundary, which is limited to the thousand foot area, I believe.

MIKE MOORE: That's a fair interpretation and I accept that, except that there are certain things which I'll talk about later which the towns can't do under their cite plan review which is spelled out in the initial part which is left to the state, and it would seem to me then that, well...

SEN. SKOWRONSKI: It goes back and forth is what you're saying.

MIKE MOORE: Right. I think it would just take a couple of words to clear that ambiguity up and that would be the end of the problem.

SEN. SKOWRONSKI: Now I know why you haven't been testifying at the hearings, you came to the early ones and you read all of them and now you're saving the best for last. (laughter)

MIKE MOORE: I don't know about that. One of the other things I had a comment on is that it's mentioned several times in this bill and we've heard a lot of testimony about it tonight, but it's never defined in the bill that I can find, and that's a definition of what a site plan is - and that's... that's, you know, basic as to what a town can do; in other words, on Page 17 the town is allowed to formulate these site plans.

REP. EMMONS: ....definition.

MIKE MOORE: I looked through the definition section. I wished I could find it. Those definitions on Page 10. Maybe we'll find it tomorrow. What page?

SEN. SKOWRONSKI: Line 482, Page 13.

MIKE MOORE: ....Site Plans, applications and project referrals listed in Section 11, and that doesn't tell me anything.

REP. EMMONS: Yeah, in Section 11C - line 1052 - says that site plans shall include and then it goes on.

MIKE MOORE: What I have a problem about that,and I guess that leads into the main part of my remarks this evening,is that in the initial part there is a distinction between what the town can and has traditionally controlled, that is site development and that is the construction of buildings and what it traditionally has not controlled and that is dredging operations - those being left to the Department of Environmental Protection at the state level and the Corps of Engineers at the federal level. By the definition here you're pointing to on line 1052,"the coastal site plan shall include a plan showing the spacial relationships of coastal resources on and contiguous to the site." It would seem to me that any dredging operation, you could simply point to both sides of the land adjoinging that water where you are dredging, and that would be your coastal resources that would be under this plan. But, also, that may be a rather tenuous argument. But on Page 17 where it talks about what the municipality can do and what it controls, in line 658 - I guess it's misnumbered because it's the one right after 656 - it says that, "any property or portion of property lying within the area determined by the coastal boundary is del...deli... - it's going to be a long night - "as delineated by the maps described, shall be subject to the regulatory and development planning requirements of this act."

And that subsection following right underneath the definition of what a municipality can do and what its powers are leads me to believe that any property - that's a proper reading - any property lying within that municipal boundary can be subject to this whole site plan process and the municipal control. So that, being right in conjunction with the section you referred to, I think it was 1052, leads me to believe that there may be some type of ambiguity as to what is and is not properly within the town's control.

What I would ask and what I think has worked well in the past, for both the towns, the developers, the dredgers, etc., is that this bill clearly spell out that dredging operations continue to be under the jurisdiction of the state's DEP and the Corps of Engineers. Those regulations are quite specific, in fact your Committee is considering one of them tomorrow - it's Senate Bill 1610 entitled, "An Act Requiring Written Approval of the Commissioner of Environmental

MIKE MOORE (Continued): Protection for the Removal of Sand and Gravel," and what that means is that anytime you dredge, you're going to have to take something out and this bill specifically regulates in great detail - I certainly won't read it - but it regulates in very great detail what you have to do in writing and in getting a written approval by the Commissioner of Environmental Protection before you go ahead and dredge.

Some people were talking here this evening about last minute development operations, I can assure you that this is not true - in fact, just the reverse is true - the usual waiting period from the start of a project until it is completed averages at least seven years, depending upon how many lawsuits you have in your way. So, I would suggest to you that the dredging operations are well under control by the state, also the local towns lack the expertise in this area. My developers - the dredgers - have already developed a working relationship with the state and the federal Corps of Engineers. They understand the laws. They support the Senate Bill 1610, and we would urge that this relationship be continued while the local towns continue to regulate the development of buildings, appurtenances on the land which they have traditionally done and which they have the expertise and historical know-how to do.

And that concludes my remarks. Thank you.

SEN. KNOUS: Okay. Thank you. Any other questions? Senator?

SEN. SKOWRONSKI: No, just that we're going to miss these debates and the fine points, Mike, very much, and we appreciate those remarks. Thank you.

SEN. KNOUS: Okay. Dick Cassidy, J. R. Nelson, followed by Joseph Cianci.

SEN. SKOWRONSKI: Yes, we did bring our experts, too, and Mike is going out with Art Rocque who is on the CAM staff at DEP, and who is very familiar with the ins and the outs as we are, and I think he can perhaps answer some of Mike's concerns.

J. R. NELSON: My name is J. R. Nelson, I reside at 371 Boston Post Road in Madison and I'm a member...public member of CAM and I have been an oyster farmer involved in underwater farming all my life - President of the Long Island Oyster Farms, the largest oyster farming operation in the northeast. I wish to urge - strongly urge - the adoption of this legislation and feel that the temendous work has gone into it, both by CAM and later by a legislative study committee

J. R. NELSON (Continued): has come up with a very good bill. Our coastal area has been abused long enough and I certainly hope that this legislation will be adopted by our Legislature. Thank you.

SEN. KNOUS: Thank you very much for your comments. Mr. Cianci followed by Mr. .....

JOSEPH CIANCI: Ladies and gentlemen, my name is Joseph Cianci. I'm the attorney that represents the West Brook Council of Beach Associations - I also have residence in West Brook - my offices are in New Britain. I got a call yesterday afternoon from the President of the West Brook Council - Beach Associations asking me to be here tonight. I called Mr. Arthur... the gentlement who just stepped out...

SEN. KNOUS: Rocque.

JOSEPH CIANCI:...this afternoon, got the number of the bill and read it for three hours this afternoon. I didn't have the opportunity my colleague had - to read it for 12 times - and I'm sure if I did I'd have more lengthy comments to make.

The difficulty...and I have been in your position before, having been a former State Representative, I think it's easier to write than to interpret some of this legislation. I understand that the legislation primarily is based to enable the State of Connecticut to obtain federal funding for the Federal Coastal Zone Management Act which went through renovations in 1976, and that the public act 78-152 which was passed in the last Legislature, which has not taken effect, is in effect being renovated by the proposed Committee Bill 7878. It's hard to say one way or the other that this legislation is good or bad. In some cases it's "apple pie," and in other cases it's goulash and very confusing.

My clients represent the Beach Associations in the town of West Brook - this is the Council of Beach Associations. That council is made up of the presidents and various officers of the Beach Associations. They, in turn, represent the 1500 or more families that are in the Beach Associations and own properties which are south of Route 1. Those families theoretically make up the legislative body or part of it in the Town of West Brook which acts through the town meeting. So, in reading the act, their concern is: How does this act affect the present ownership of their property, the future use of that property, and what beach rights they have, what do we mean by private beaches and public beaches?

JOSEPH CIANCI (Continued):

In reading the act, and also reading the federal act, there are questions that come to mind and I would like to just raise some questions for the Committee to consider because there are questions that are difficult for me to interpret and to tell these people what they mean.

On Page 3 of the act, the statement of policy, subsection 6, you eliminate present language, "encourage recreational opportunities," and use the word, "expansion," which could mean acquisition and therein lies a question: What is the policy? It says, "effective utilization of state-owned recreational facilities." Are those state-owned presently,
Belt state-owned to be acquired? That's another question. The
#5 elimination of the constitutional protected rights of private property owners. We don't know why that was eliminated, perhaps the Committee felt it was a redundant... redundant matter.

REP. EMMONS: Do you want me to answer that question briefly?

JOSEPH CIANCI: Yes, I think that...

REP. EMMONS: Having been with this a fairly long time. The real.. the changes came so as to put the emphasis on state development of state owned recreational facilities in the coastal area. The way the original bill was written last year - and we're working off the original bill, passed last year - is that the public act says...was really expanded to include both state and municipal and that's why...and then they had the constitutional protected rights of private property owners because a municipality is not considered a private property owner. It was a way of getting the municipal recreational facilities covered by the act but excluding private property owners such as yours - that you represent. Then, this year when we were working on the bill, it was brought to our attention that to meet the federal requirements you really only have to talk about state facilities in expansion of state recreational opportunities, so that the intent of it - and I not exactly sure why the word, "and opportunities" is in there on line 85 - I don't remember that before in our discussions - and I do have it circled on my page with a question mark. But, really, the thrust of the change is to encourage the state to develop their own recreational facilities for the people of the State of Connecticut and to expand them. I mean there are many areas they already own property, and there are other areas they have not really utilized to its

REP. EMMONS (Continued): conservationally...soundly to the maximum. So it was to really try and take away the thrust towards any part of the property. Now, if you would like to give us better language to clear it up, I think we would object at all, it's just...that's the way it came out.

JOSEPH CIANCI: I think existing...existing publicly owned facilities is what you're talking about and maybe that's the way to say it, because...

REP. EMMONS: Existing publicly owned?

JOSEPH CIANCI: Publicly owned facilities.

REP: EMMONS: No, because that excludes then municipal. Publicly owned excludes municipal facilities.

JOSEPH CIANCI: The confusion is what I am talking about.

SEN. SKOWRONSKI: Existing, maybe.

JOSEPH CIANCI: Is it the intent then that the municipally owned facilities are not to be covered by this act as well as privately owned facilities?

REP. EMMONS: Yes.

JOSEPH CIANCI: Are not to be covered? Could it be said that way?

REP. EMMONS: Yes.

JOSEPH CIANCI: Could it be said this act does not include municipally owned facilities ...

REP. EMMONS: Well, you've got to state somewhere in here that you are encouraging public access. Those are the magic words.

JOSEPH CIANCI: Yes. Section 315 of the federal act will give you funds to acquire by condemnation although otherwise rights of way for public access, and the rest of the confusion with respect to the particular clients that I would represent in their interest is the elimination of the definition of public beach on Page 11. The requirement by the federal act that you define that word - on the top of Page 11. It's Section 6...

REP. EMMONS: Now, would you feel more comfortable if public beach was defined there. We had one draft - the last draft - public beach was defined as beaches owned by the state for public interest or however else used.

1598

JOSEPH CIANCI: If I just read the federal act, which I think you're trying to comply with. That says that"the program requirement - and this is Paragraph 7 of that federal section, I think it's 312 or 315 - a definition of the term "beach" and a plan process for the protectin of an access to public beaches - there's two terms, beach and public beaches - and other public coastal areas." Reading that, seeing it's deleted from the existing act and the attempt to - on line 422 - to define beaches and dunes, leaves some confusion in the minds of many people as to what are you talking about. What are we talking about? Talking about , fine - you know, it's a good program - if you're talking about coming down this 15 ft. road that somebody's lived on for 40 years, taking their house away, widening it to 40 ft, 50 ft., or 60 ft. or putting in a parking lot, you know, putting up a public beach, you know, they want to know about it - and I can't tell them because I don't know. I'm not sure what you're saying.

REP. EMMONS: Well, I know what the intent is - maybe we just have to clarify what we have written.

JOSEPH CIANCI: Okay.

REP. EMMONS: Well, I do think that number 6 (inaudible) refers to public beach to really define as a state beach.

JOSEPH CIANCI: And you can't ignore other legislation pending when you're considering this and there is an act before the Legislature - proposeed Bill No. 6435 - which proposes to raise by the Bonding Commission to authorize $500,000 to allow the Department of Environmental Protection to acquire rights of way for that access to the Connecticut shoreline. So that, in conjunction with this, in conjunction with what happened in the previous bill, has left a lot of people with a lot of confusion.

It appears what's going to be done is that there ought to be some type of condemnation going on.

There's a section in here that provides for locating and phasing sewer and water lines. We have been asking for sewers in the Town of West Brook - there was a federally funded study in which I think this town, Clinton, was the host town some years ago, by an engineering company in White Plains, New York, in which the hopes were up that there would be a central sewer system for this area, and we never heard what happened to that study. We've been

JOSEPH CIANCI (Continued): trying to find out and we would like - our group would like a central sewer system. Terrific - that would solve a lot of problems.

In 1975...you know, people that live down here bought properties years ago and they've been working here, part of the State of Connecticut, hope to retire some day and relax along the shoreline, and over the years there has been an erosion - if you will - of the use of their property. In 1975, I believe the Department of Health and the Legislature enacted a regulation preventing them from winterizing their homes. So people who want to retire have to live in the cold because they can't winterize their homes, unless there was some type of sewerage facilities available and the requirements were so impractical to make it literally impossible for them to do this. And there's several cases pending along the shoreline on that. So the sewerage system would be an opportune thing for these people to winterize their homes, and permanent residents; it would clear up the waste disposal problems along the shoreline - in their favor, that portion of the bill.

We're not...we're not opposed to it but I think one of the problems is one of trying to understand specifically what the intent is, and I think this type of thing is good because it may bring out a clearer intent of what's meant by it.

A question was brought up about the site plan review. I made some notes on that. On the site plan review on Page 30, at the bottom of that page, on line 1190, "grant that this is an exception that may be put in by a municipality or a zoning commission, however, viewing this as a situation which they do not put this in as an exemption." Does that language then mean that these things that are not exempt should then be complied with? That's not clear throughout the whole section here on the site review. It starts off on line 1173 saying, "Zoning Commission may by regulation exempt any or all of the following uses from the site plan review requirements." If they're not exempt, are they mandatory?

Question on the bottom is you have eliminated the definition of public beach yet you use it as an exemption. There - from line 399 - you have eliminated it and put it there. So there's a little inconsistency there.

SEN. KNOUS: Where is that?

JOSEPH CIANCI: On 1190 - well actually starting - let's see - starting at 1188, "restrict access along the public beach," is the language. You have eliminated the definition of public beach and you use that language there.

One other thing, in the definition of the coastal zone area, you've provided the 1,000 ft. type of limitation, the federal act may be inconsistent with what you are doing, I don't know. The federal act defines the coastal zone as, "a zone which extends inland from the shorelines only to the extent necessary to control shorelines, the uses of which have a direct and significant impact on the coastal waters." It would appear to me that the federal act is saying that your coastal zone is to extend inland only to the extent necessary to control that particular shoreline which use will have a direct and significant impact on the coastal waters. I think there's something in there about public and private beaches.

Thank you.

SEN. KNOUS: Thank you. Are there any questions? We were joined here recently by Representative Tiffany from the other side of the Connecticut River and Stuart Johnston.

STUART JOHNSTON: My name is Stuart Johnston. I'm a member of the CAM Advisory Board, Secretary of the Clinton Planning and Zoning Commission. I'm speaking for myself however - the Clinton Planning and Zoning Commission has not had an opportunity to take a stand on this bill as yet.

Personally, it seems to me that the present proposed legislation represents no threat to local economy or to existing constructions. It will help to direct future development on Connecticut's coast in a more rational way and to protect precious resources. I, therefore, recommend its passage. Thank you.

SEN. KNOUS: Thank you very much. Mrs. Woolsey S. Conover of Guilford and, I believe it's Mr. Cieri of Westbrook Council of Beaches is next.

WILLIAM CIERI: I'm William Cieri, I'm Vice President of Westbrook
Belt Council of Beaches and I am here to expound on this act.
#6 All of my predecessors talked about the benefits of this act, but the implications of federal monies and controls of this act was not brought out and this is one area that I share.

The Federal CAM act, as written, does specificy once CAM act is accepted that the Secretary of Interior and Commerce

WILLIAM CIERI (Continued): can get together and pass any enactment later on in regards to coastal management. We are giving up our coast to the benefit of the national interest. And what is national interest? I guess youse heard that question a number of times. I, myself, hear this tune because if we had our national interest at heart or concern, we would include all these streams and rivers and everything else in the state...in the United States, not just the coastal area.

If you don't mind I'd like to read a speech that I made up here. I've been with CAM...following CAM since 1975 and I have remarks taking a look at the issues and alternatives from the Southeastern Regional Connecticut Planning Agency and they were a little skeptical on some of the remarks they made, or they said, made in the beginning of this program. And I shall read here: "I find that the justification of CZSM is basically ecological. Section 302 D and G quote this, "this emphasizes the need for managing what goes on along the coastline." Although the emphasis of this legislation and in states already having a land management program, it tends to raise broad far-reaching social, economic and political issues. Every issue concerned with CZM - CZM and its development has a social, economic and political aspect as well as an ecological one. Now Section 307, paragraph G of the federal act quotes - I don't want to read the whole thing, but the point that concerns me is, it includes requirements as to shorelands which also"will be subject to any federally supported national land use program which may here and after... hereafter be enacted. Now to me that's a bald statement, and com...I'm just a layman but the way I read that, it says that once this act is passed if Uncle Sam wants to do something else in regards to it, he can pass it. He can have another law passed on it. This raises serious doubts in my mind as to whether any coastal development could be considered of a purely logical significance. The federal legislation has theoretically opened the door for any coastal development to be concerned of any greater than local significance. I fear that once this...once open that this is a very hard door to close. The national...the term "national interest" has far reaching political, economic significance for the future development of the program and (inaudible).....a burden of responsibility to serve that broad national interest as it will not be shared equally by the nationl whose interest is at stake, but only by a few coastal states and municipalities. This is due to the existence of a set of development restrictions that will not affect non-coastal states.

WILLIAM CIERI (Continued):

"If CZM referred to all navigable streams and rivers, then I would say that it would be in the national interest. Not as it is now as it now applies to coastal states. The islands and the Great Lakes. If it is ecology we're concerned with, why aren't rivers and streams included in the management program - are they not the most serious polluters.

From the way I interpret the CZM act, the states and municipalities along the coastal mainland and island are discriminated against. If the ecology of the coastal states are a real concern here,why not form an Advisory Board. What I'm saying here is not a CAM Board, I'm saying an Advisory Board with federal funds to consolidate federal and state laws which an enactment of a coordin... coordinating the plan in this respect. In other words, take all you laws and put them together and enforce them, if we have enough laws in this state, and then Uncle Sam's laws, to take care of what we are trying to do without bringing in federal money. And not enact a federal law which in a sense could create a nest of parks out of our coastline." This is my assumption, not a statement from anyone else.

I know and you know that when federal funds are used to initiate a CZM program with the implications of the national interest written into it, our coastal states and municipalities could lose their local entity.

Now, I will go on to 7878 - the state act. I think our one contradictory area in the coastal plan in regards to boating. I think the boating interests should take heed. Which are we going to enforce, line 175 of the act, which says, "providing for new boating facilities in natural harbors, new protective water areas, and areas dredged from dry land to protect coastal resources might require where feasible that such boating uses and facilities, and so on." Then you go to 303 - again I say I'm only a layman, to me the wording is different, but I think the intent is there. 303 starts, "and to discourage the dredging of new or expanding federally maintained navigation channels, basins and anchorage. To reduce the need for future dredging by requiring that new and expanding navigation channels, basins and anchorages take advantage of existing water depths." To me that sounds like a contradiction, I don't know, but I would take heed to that if I was concerned about it.

WILLIAM CIERI (Continued):

And in closing, gentlemen, I'll make it short. This mandate is not...is a federal mandate. It is not a mandate from the goverment - let me start it again, please. The present mandate is Federal, not the result of a state legislative directive. There is no charge from the Connecticut General Assembly to study the feasibility of developing a CAM program and to present a report from Legislature to act upon it. The present mandate for CAM plainly exists only on a bureaucratic level. Nobody in this state is pushing this except the VEP and what gains it's going to get out of it, I can't see. And as far as funding is concerned, you read the papers, we're going to have three years of funding from the Federal Government but where is the money coming from afterwards. I don't see anywhere where the Federal Government is going to provide money in later years once this act is established.

And, furthermore, the federal act goes into coastal energy impact. This is something the Westbrook Council of Beaches fought several years ago (inaudible)...I mean deep channel seaports allowing large tankers to come into Long Island Sound. Youse are all aware of it here in Saybrook, but still this federal act calls for it and here we are accepting this in. This is what I say - the implications and the ramifications of the state law will apply.. all these problems will...switch all these problems on to us.

Just one more thing I want to say. I'm afraid of public funds in plain English. The State of Connecticut can do it alone with the local towns.

Thank you.

SEN. KNOUS: Thank you. Just an observation in reference to the point on the interest. I think there is...it would be fair to say that there has been interest in this legislation for, you know, several years. You, yourself, said you followed it, and certainly as expressed by the number of people who have attended the hearings around the state. My observation is that there is considerable interest in the legislation, and I'd just like that to be noted.

WILLIAM CIERI: What you are saying, is a built up interest, sir; but it did not come from the general public - it originated with your Legislature.

SEN. KNOUS: Okay. Thank you very much. Allen Berrien and William Huhn.

ALLEN BERRIEN: Most of you are so aware of the statement that I won't repeat it, we've used it at all the public hearings and most of you could give it better than I can, so I'll refrain from that very lengthy but dedicated support of the programs that exist. Since the bill was changed into this printed version, we have discussed among ourselves the significance of the wording on line 127 and 141 where we are talking about, in the basic part of the bill, the difference between giving highest priority of preference to "water dependent" or "water enhanced" uses. And, as these public hearings have gone on, we're really raising a concern for the fact that under the present system we have right now, I mean prior to adoption of this bill, everything is enhanced by being on the water and that's the very problem, the reason for adopting such legislation, but here on the basic rules and policies you're starting with a statement that, "for water enhanced uses." Well, everything is water enhanced except possibly a junkyard because everything would rust.

There's no tear or priority system given between what you would call "water enchanced uses" as we understand it, or, in fact "water dependent use" which was the intention of the act - well, we presume it was part of the intent of the act. I must ask that you reconsider that specific wording very carefully before the final bill is drawn up. We, obviously,support this type of legislation. This industry is literally going down the drain without it.

SEN. KNOUS: That pun was noted. Is Mr. Huhn from Pfizer here?

WILLIAM HUHN: Yes, I'm here...(inaudible).

SEN. KNOUS: If you'd like to testify, we'll be hearing it in a few seconds here, I'll leave it up to you. Would you want us to make a ruling?

WILLIAM HUHN: That's fine, I have...(inaudible, too far from microphone).

SEN. KNOUS: Thank you very much.

(Remarks by Rep. Emmon and Sen. Skowronski, which would appear to be brief remarks, not discernible on end of Belt #6)

WILLIAM HUHN: My name is William Huhn. I'm an attorney for
Belt Pfizer located in Groton, Connecticut. I've submitted
#7 brief comments that would cover my concern with the proposed bill. The principal concern is the potential

(Belt #6, especially latter half, not too clear)

WILLIAM HUHN (Continued): for litigation that I believe would rise out of this statute as it is presently drafted. Specifically, I believe in Section 12c, on Page 28 - it is physically impossible to comply with. That would provide that"any person submitting a coastal site plan shall demonstate that the adverse impacts from the proposed are acceptable." Well, I think you could get over that hurdle. And further, "shall demonstrate that such activity is consistent with all applicable goals and policies." In section 22A-92 of the General Statutes as by Section 2 of the act. That I think would be the difficult - impossible hurdle to get over. There's so many goals and policies, some of which are inconsistent with each other, that I just don't believe it would be possible that you were...that your acticity was consistent with all of them.

Now, as a practical matter, I suspect Planning and Zoning Commissions would take a pragmatic approach and make a judgment that, "Yes, this is a reasonable activity to cite the coastal zone and would give their approval." I don't think that the practical intent of this is to cut off all development in the coastal zone, but the problem that I see is that any neighbor who is opposed to the facility would have something to litigate if they wish to throw an obstacle in front of the facility.

I have somewhat mixed feelings because I live within the coastal zone myself, there is area zoned, industrial, out behind my house in the woods. I would be very happy to be able to tie up any use that was made of that property. But, I don't think it's really fair to do that. I would suggest that that clause at a minimum should be--could provide that the municipal authority would be able to say that on an overall basis say that the facility is reasonably consistent with applicable goals and policy. I think that would be required.

My second concern is with the question of litigation in general that would come out of the bill. I think that if there is a problem with the development of the coast, there's no question that this bill would halt, or certainly slow, development and would channel it in the direction that Zoning Authorities would desire. I think that rather...the problem is that the bill may go too far in permitting private parties to intervene and second guess the zoning authorities when something's approved. It's a very, very litigous society we live in - I do think that that potential for litigation is something that must be considered. I don't feel that I have the whole answer to

WILLIAM HUHN (Continued): the problem by any means, but I believe that we are going to see, pursuant to the legislation, just case after case of persons opposed to a facility in the coastal zone, filing a lawsuit, challenging that either the site plan was not adequately prepared, or that the municipal authorities fail to consider certain goals and policies when approving the facility. The potential delays arising out of litigation, I think, are going to be expensive and perhaps unfair.

Thank you very much.

SEN. KNOUS: Thank you. Representative Tiffany.

REP. TIFFANY: Would you care to...one of the things that disturbs me about the act is that it allows towns the option of granting rights automatically, or requiring, on the other hand, approval of it. What is your feeling on that and do you feel that the Legislature ought to grant certain rights outright?

WILLIAM HUHN: I'm afraid I - you know I've been through the bill once or twice, but I...I...

REP. EMMONS: He's talking about...

REP. TIFFANY: Where are the exemptions.

REP. EMMONS: On Page 30, John.

REP. TIFFANY: On Page 30, line 1173, it makes a number of activities that says the towns may exempt any or all... Do you feel - do you support that philosophy or would you like to see the State Legislature grant outright...for instance, the right for single family residences?

WILLIAM HUHN: I think that the...if it's appropriate that certain things be exempt, I think they should be exempt across the board. I do think that part of the problem on this stems from the fact that we're going from very fragile coastal areas to urban, you know, develop urban properties in downtown - New Haven downtown, downtown Groton and trying...there's so many things that are trying to be done in such differing areas of property, that it's difficult - so maybe it is impossible to say, "we're going to exempt all of these things across the board," but, you know, I din't mark anything on here and my recollection of it was that it seemed that all of these things should be exempt from....in the coverage when I saw it. I don't have any very profound thoughts on that part of the statute.

REP. TIFFANY: What I'm driving at, I would like some feedback... For instance, the Town of Madison could exempt as a right all of these whereas the neighboring town of Clinton or Westbrook could require permits to do all the things that the neighboring town exempts as a right. And I was wondering...I'd like to know how people feel about that.

WILLIAM HUHN: It's a tough problem.

REP. TIFFANY: You're telling me. But is it fair. You're going to get....

REP. EMMONS: Let me just ask you one question along that same line. If you bought a house, let's say in , and you spent $200,000 for it and the house burned down, far enough down that you can't rebuild it, and so now you don't have - city - does not have an automatic exemption for private family houses. Can someone like that be blocked, really, afford it, to finally be able to build their house up. Because the land along the shore is so expensive, and basically... if you look...on the land, it's not the houses, in many cases, it's really the land; and yet if you can't build a house on it then the land does not have that much value.

WILLIAM HUHN: That does seem to me to be unfair and I have a friend who owns a parcel of land in Guilford on the shore that I was interested in buying it from him. He said the value was $100,000 and I just couldn't believe that that was the value of the...it's a two acre...but it was staggering to me the thought that perhaps a town would adopt regulations that would prohibit developing that piece would be a real burden to him. The second thing that I heard in Groton that could be very unfair, there's a whole stretch of homes built on land that floods out and the Municipal Waterfront Commission proposed regulations that would prohibit rebuilding in the event that a hurricane destroyed the homes, and the residents just went wild at the thought of that. So, there will be hardship I'm sure.

SEN. KNOUS: Thank you for your comments. We appreciate them. Sidney Quarrier and Alice Williams.

SIDNEY QUARRIER: My name is Sidney Quarrier and I'm a resident of Essex. I own land that will be within the coastal boundary and I sit on two Town Commissions, involved in the Conservation Commission and the Inner Wetlands Commission that are involved with land within the coastal boundary. I also own a boat that is at a local marina.

SIDNEY QUARRIER: It's clear, as has been pointed out here, that the area has a rich...a number of rich and valuable resources that are extensively used. However, just from reading the local newspapers, it's also clear that there are large areas in which continued use and development will be made, and there are any number of choices and opportunities available to us as residents which will be regulated and managed by local and state agencies.

I support this bill because I believe that it will provide the needed coordination and direction to the multitude of individual citizens, town and state decisions that affect me and my fellow residents. I believe that it will insure protection in needed areas and will provide greater opportunity for the use of the coastal areas for me and the other citizens.

Just one or two short comments on the...on several things that were made here. I'm also concerned about the comment of extended litigation that was raised by the man from Pfizer. I think that's a very important thing and should be taken seriously. I also would like to comment on the point that was made about - I believe I interpreted the man's suggestion - about and exempting a site plan review that the intent of the legislation is to allow for an orderly and coordinated input on all levels of government and clearly municipalities have state interest that should have input into the dredging process, and I would be (inaudible)....serious business to start exempting on activities that have significance on this process. I really don't understand...I don't know the legislation well enough to be an authority (inaudible).

Thank you very much.

SEN. KNOUS: Thank you. Alice Williams.

ALICE WILLIAMS: My name is Alice Williams. I live on 277 Road, Stony Creek, Connecticut, which is part of Branford, and I wish to speak for the League of Woman Voters, Branford. The League of Woman Voters of Brandford has followed the concept of Coastal Area Management in Connecicut and supports the purposes...the purpose set forth in Bill 7878. However, we would prefer that adoption of the regulations be made mandatory for all coastal towns so as not to risk scattered and inconsistent protection of the coast. We think it is undesirable to exempt individual single-family structures since houses could still come in one by one and have as much impact as a large development. We also question

ALICE WILLIAMS (Continued): giving up all control over activities or developments outside the actual coastal boundary which could still have a considerable impact on the coast.

In general, we approve of Bill 7878 and strongly urge its passage.

Thank you very much.

SEN. KNOUS: Thank you for your testimony. Stuart Ingersoll.

(AS IN BELT #6, BELT #7 NOT TOO CLEAR MOST OF THE TIME)

STUART INGERSOLL: My name is Stuart Ingersoll. I am from
Belt Essex, Connecticut. I am the owner of Essex Boat Works.
#8 I think 50 percent of the of Connecticut must be in this room tonight. Did you notice that I'm the third one from Essex tonight. I'm very much in favor of this act. I think it's a starting place and I think we could pick on little bits and things all night that are wrong with it and that are right with it. I think this is valuable in helping you to get the legislation in the best possible form - eliminate problems that will always exist when you start with new legislation. But I think the important thing is to get something on the books as quickly as possible.

I'd like to second Allen's remarks about that "water enhanced uses" - I forget what page that was - line 141. The main is the crux of this whole problem. There's only so much water. There are only...you can't create any more waterfront,very difficult to do, and we have seen the erosion in our town in just the last two or three years. The Railway is now part of the housing... they have built four or five houses there. The Shipyard has become basically a rental property. We have an office building; we have a restaurant; we have a ; we have a finance company, and many other uses in what used to be waterfront business devoted entirely to boats and related facilities. And I have watched our zoning ordinance erroded away, slowly but surely, to allow these to stretch; it's a finance company but it's a MARINE finance company; it's a company but they make MARINE sizes, etc. You continue this whole thing and you end up allowing a market place to dictate land use.

Look at Daytona Beach, Miami Beach - you can't even see the water when you walk along there. This is what ultimately

STUART INGERSOLL (Continued): is going to happen if you allow this. I think we have got to start here, I hope to see the whole thing grow more...get more teeth in it and, ultimately, restrict waterfront property for uses which must have water. Now, this is going to take a lot of dislodgment, it's going to create hardships - I think anybody who suffers financial loss should be compensated in some way. This is going to be a long-term work-out situation, but we're going to have to have property: waterfront property for beaches - we're going to have to have for oil terminals, we're going to have to have it for power plants - you can't put up a power plant in it's got to be on the shore. You can't go swimming in Salem Four Corners, you got to be in the Lyme Beach. Now, this is the thing we have to save what little waterfront property we have left - we're going to need the water. And this is a start - I'm in favor of it. I wish you all...I hope that we can develop from this to even more controls.

Thank you.

SEN. KNOUS: Thank you. Charlie Kiernan.

CHARLIE KIERNAN: I'm Charlie Kiernan, a selectman from the Town of Old Lyme. (inaudible)....The Board of Selectman, unfortunately, has not taken a position on this, however, at our next meeting, I will recommend the endorsement of this and I think it will be carried and also note (inaudible).... Thank you.

SEN. KNOUS: Thank you very much. It was nice of you to come down this evening. .....Sorry I have the name wrong, okay, Bakewell, followed by Carol Bryan.

MRS. HENRY BAKEWELL: I'm Mrs. Henry Bakewell of Old Saybrook and I speak as a citizen, a conservationist, an ecologist, an environmentalist, a professional member of the marine industry and voter myself. I heartily endorse this bill. We...Barbara Deitrick said at the beginning, we have been planning and thinking and talking for years. This is something that is workable and I certainly hope we get it out this year.

Thank you.

SEN. KNOUS: Thank you very much. Carol Bryan.

CAROL BRYAN: I'm Carol Bryan from 283 Harbor Street, Branford, Connecticut. I'm spokesperson for the citizens for the

CAROL BRYAN (Continued): Preservation of Branford Point and the Townwide Coalition for Reform. In Branford we are very concerned about the issue raised by this bill and, in fact, that was the basis for the formation of the groups I've mentioned. The citizens for the Preservation of Branford Point currently have a court case pending on the use of shoreline near our public beach. We, in fact, would like to see it preserved while planning and zoning house granted permission for multi-house dwellings on this land. The Townwide Coalition for Reform currently has a petition pending at the Branford Planning and Zoning Commission to eliminate the current section under the regulations that deals with the shoreline, etc., issue because we feel that it has been misinterpreted, misused and abused, and we are too readily losing our precious shoreline in a manner we do not feel is best for the residents.

In Brandford,currently...because of what's happening in Branford we currently do not feel that local controls should be in the hands of large Planning and Zoning Commission. In fact, we recently submitted a petition for the removal of the current members of this Commission. We hope, of course, that will change. Because of what's happening in this town, it has become obvious that quick action that is necessary. I feel that the plan should be reinstated, essential is the Advisory Board to investigate referrals or complaints and our concerns as well as positions that can change evaluation and revision of this bill as necessary.

For myself, I would be happy even at this point, with, I believe it's William Cieri's, suggestion of the Advisory Board. We need something to work with now.

Thank you.

SEN. KNOUS: Thank you very much. Is there anyone else who would like to testify. I don't have more signed-up sheets, but if there is anyone else who would like to testify, we'd be happy to hear you.

JANE MARSH: My name is Jane Marsh. I'm a property owner along the shore in Old Lyme. One thing I would recommend to go along with this legislation and to encourage its enactment is some kind of tax abatement for people who would like to cooperate and keep their land undeveloped along the shoreline but can't afford to.

Another thing I would recommend that - I see so many pages of policy and proposals, I think the way to avoid litigation

JANE MARSH (Continued): is to say it simply rather than in so many words. I'd recommend that the Legislature specify which exemption should be given. I don't see any reason why the last two things - No. 4 and 5, I guess they are about farming, grazing lands, gardenings, and all those things - should not be automatically exempted. But I think the Legislature should definitely give a ruling on this so as to prevent any inconsistencies between towns.

I think that's about all I have to say.

SEN. KNOUS: Thank you very much. Is there anyone else who would like to testify?

PHILLIP COSTELLO: Mr. Chairman, members of the Committee, my name is Phillip Costello from the Town of Madison. I'd like to compliment the Committee on the legislation that's come forth this year because it's a great improvement over the original efforts and could be a model for use throughout the country.

I would like to suggest one consideration by your Committee before the final bill is reported out and that is a discussion as to whether it should be treated as our zoning laws have been in the state which are enabling acts to permit them to choose to be so regulated if they wish. The reason I suggest this to you is that some communities on the Connecticut shoreline, in my opinion, are pretty well regulated presently with the Tidal Winds Law; with some towns being very tightly zoned; with Inner Wetlands; with the federal and state insurance regulations which most towns have adopted. Properties near the shoreline in most communities are very highly regulated already. The question then is, Is an additional layer of state and local control an impertence in a given community? Now there are a number of shoreline communities that our state would still have vast areas undeveloped along the shore, and I think this type of approach would be excellent there. But each community, I think, should have some opporunity for self-determination as to whether a further layer of controls should be imposed, and I think you will find that some communities might well have adequate protections already on the books. So, I hope you would consider that before the final bill is reported out.

Thank you.

SEN. KNOUS: Thank you. Is there anyone else who would like to testify? I see no one else. On behalf of Representative

SEN. KNOUS (Continued): Emmons and Representative Tiffany who were kind to join us tonight. Representative Emmons has worked on this bill for several years I know, as has Mr. Tiffany - he's been working hard on it, too. On behalf of Senator Skowronski and the Environment Committee, I thank you for your testimony and good evening.

PETITION IN OPPOSITION
TO
COASTAL MANAGEMENT LEGISLATION

THE UNDERSIGNED, ALL BEING PROPERTY OWNERS OF REAL ESTATE IN THE TOWN WESTBROOK, CONNECTICUT, DO HEREBY OPPOSE ANY LEGISLATION WHICH MAY TEND INFRINGE UPON OUR INDIVIDUAL RIGHTS AS PROPERTY OWNERS AND, IN PARTICULAR, FOLLOWING PROPOSED LEGISLATION:

PROPOSED BILL No. 939
PROPOSED BILL No. 6435
PROPOSED BILL No. 835
RAISED COMMITTEE BILL No. 1263
RAISED COMMITTEE BILL # 7898

NAME	WESTBROOK PROPERTY ADDRESS
Trevor Glock	Box 9 Grove Beach Point
Mary E. Glock	Riverview Rd Grove Beach Pt.
Jane Fitzgerald	Riverview Rd G.B.P.
Jane Abel	R.R.3 Box 81
Helen Street	R.R.3 Box 81
Lucille J. Denning	Indian Trail Westbrook
Lorraine H. Meade	Indian Trail Westbrook
Walter W. Moore Jr.	Indian Trail Rd. Westbrook
Truman Henderson	Mohawk Rd Westbrook Conn
Elma R. Henderson	Mohawk Rd. Westbrook

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RAISED COMMITTEE BILL # 7878

NAME	WESTBROOK PROPERTY ADDRESS
Richard M. Watts	Grove Beach Point - Box [illegible]
Mrs. Ray J. McCoy	Grove Beach Point Box 34
Ross A. Ness	Grove Beach Point Box [illegible]
Shirley H. Wade	" " " Box 69
H. R. Dyson	Grove Beach Point Box 63
[illegible] F. Dyson	Grove Beach Point
Rosie Lorsau	Grove Beach Pt.
Mr. & Mrs. Roy Christensen	" " " Old Mail Trail Westbrook
Irving H. Dyson	Grove Beach Point Box 53
Dorothy H. Dyson	Grove Beach Point Box 53
David [illegible]	Grove Beach Pt. Box 151
P. M. Sandstrom	" " " " "
Leah Sandstrom	GROVE BEACH PT
Grace P. Marcellino	Grove Beach PT.
Joseph J. Marcellino	Grove Beach PT
Christine Tubbetts	
Joseph Lopez Jr	Riverview Rd Westbrook Ct

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NAME	WESTBROOK PROPERTY ADDRESS
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[illegible]	59 Dolphin Ave
Lucillo Vento	55 Striper Ave
WALTER BEZKUCZYK	12 Seaside Ave.
Frank Lobrot	65 Dolphin Ave.
[illegible]	SEASIDE AVE
[illegible]	Seaside Ave
[illegible]	30 Dolphin Ave.
[illegible]	4 Tarpon Ave
Leno Balducci	57 Striper Ave.
[illegible]	68 Striper Ave.
George Abraham	86 Striper Ave
William Bratol	Canton Rd. Westbrook
[illegible]	Seaside Ave Westbrook
Jean Singer	Canton Rd Westbrook

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RAISED COMMITTEE BILL No 7878

NAME	WESTBROOK PROPERTY ADDRESS
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Alexander R. Ogden Jr	Mohican Rd. Westbrook, Conn.
Florence K. Ogden Jr	Mohican Rd. Westbrook, Conn.
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Ruth C. Beck	Riverview Rd Westbrook, Ct
Leo E Beck	Riverview Rd Westbrook, Ct
[illegible]	12 Riverview Rd Westbrook, Conn
G Studzinski	Riverview Rd Westbrook, Ct
J. Studzinski	Riverview Rd. Westbrook, Ct
Muriel L Dowd	Dowd Rd Westbrook, Conn.
Billy Zdon	Old Mail Trail Westbrook, Conn.
Robert Zdon	Old Mail Trail Westbrook, Conn
Art Davis	Carlton Rd " "

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Vince	Brookside St Westbrook
A Ciesi	Salt Island Rd. Westbrook Conn
Geraldine Cannarella	Juniper Lane Westbrook Ct
Eugene L Ciesi	Salt Island RD. Westbrook, Ct.
Cannarella	Juniper Lane West Brook
Joseph Ambrosio	Brookside Ave Westbrook
Ambrosio	Juniper Ln Westbrook
Cesano	Brookside Ave Westbrook
Frances DiGuloma	Salt Island Rd Westbrook
Lee Cummings	Salt Island Rd Westbrook