

CONNECTICUT RIVER GATEWAY COMMISSION
SPECIAL MEETING MINUTES
February 28, 2011

Present/Absent:

Chester:	<i>Margaret (Peggy) Wilson, Martha Wallace</i>
Deep River:	Nancy Fischbach, Amy Petrone
<i>East Haddam:</i>	Harvey Thomas, Vacancy
<i>Essex:</i>	<i>Ellen Whaley, Tony Chirico</i>
<i>Fenwick:</i>	<i>Ethel Davies, Borough Warden</i>
Haddam:	Susan Bement, Derek Turner
Lyme:	J. Melvin Woody, Lisa Niccolai
Old Lyme:	<i>Peter Cable, Suzanne Thompson</i>
<i>Old Saybrook:</i>	Madge Fish, Vacancy
<i>CRERPA:</i>	<i>Steve Williams</i>
Midstate RPA:	<i>Raul Debrigard, Stasia DeMichele</i>
DEP:	David Blatt

Staff:	J.H. Torrance Downes
Guests:	Senator Eileen Daily, 33rd Senate District Representative Phil Miller, 36th District Erik Hesselberg, Hartford Courant

Call to Order

After declaring a quorum present, Chairman **Melvin Woody** called the meeting of the Connecticut River Gateway Commission to order at 7:35p.

Approval of Minutes

No minutes were presented for approval.

Woody opened the meeting by briefing those present to the history of the Gateway Commission and its arising from a Federal effort to establish a National Park modeled after the Cape Cod National Seashore in the lower Connecticut River valley. Woody referred to a PowerPoint slide show posted on the Gateway website (www.ctrivergateway.org) that details much of that early history. From there, Woody described what he thought were the three most important locations for citizens of the State to see the lower river valley: the Baldwin Bridge between Old Saybrook and Old Lyme (but seen from a distance), the Chester Ferry between Chester and Lyme, and the Goodspeed Bridge and Goodspeed Opera House between Haddam and East Haddam.

Woody summarized the numerous meetings that have been held between Haddam First Selectman Paul DeStefano, Town Planner Liz Glidden, Riverhouse partner Steve Rocco and numerous Gateway Commission members and their staff. The effort grew out of Haddam's desire for the Gateway Commission to collaborate in an attempt to carry out the GW mandate while allowing the development sought by the Riverhouse partners.

One effort mentioned at this point is the Committee to Analyze Haddam Villages, a planning effort that grew out of discussions to determine a new zoning structure within the Tylerville area. The CAHV includes a member of the Gateway Commission (Mid-State RPA Alternate Stasia DeMichele, also a member of the Haddam P&Z) and was appointed by the Haddam Board of Selectmen to study the

Tylerville area and to make a recommendation on the zoning that should be adopted in that area. The subject Tylerville property is located within the area contemplated for rezoning.

Fischbach raised two issues: (1) the conveyance of conservation land for the purposes of development and the potential impacts of that conveyance on future land gifts, and (2) the impact of future development of the 17 acre parcel, if conveyed, on the “natural and traditional riverway scene” within that visible area of the Conservation Zone.

Senator Daily spoke, summarizing that then-Commissioner Gina McCarthy supported the conveyance, but since she would be leaving to join the Obama administration at the EPA, the process would have to expedited. Senator Daily reported that she introduced the initial legislation with McCarthy approval. Although the conveyance could have been handled “administratively”, Daily said, it was put into the Legislative process because McCarthy wouldn’t be there to shepherd it through. When asked about whether or not the Goodspeed Foundation and the Goodspeed Theatre are still involved, Daily reported they were not. Gateway staff confirmed that a discussion with Goodspeed Executive Director in December of 2010 indicated that, where there was interest initially, the “current environment” wasn’t conducive to such consideration, current environment meaning fiscal environment.

Woody spoke of his early discussion of protective easements with Steve Rocco to protect particularly visible portions of the property and his concern that Rocco didn’t fully understand easements and how they are used. The early discussion was an effort to find a solution that would satisfy the concerns of the various parties including GW, Haddam, East Haddam and DEP. **Woody** spoke of the protection that such easements would afford the Town of East Haddam (a Gateway member town) as well. East Haddam, **Woody** said, is important in this issue both from the view of the development and the fact that they wouldn’t likely be too happy if the Goodspeed Theatre moved from East Haddam to Haddam.

DeMichele, as a participant in the numerous meetings with Rocco and town representatives, a member of CAHV, a member of the Haddam P&Z Commission and the Gateway Commission, commented that there is ongoing planning work to determine how to rezone Tylerville. She commented that the committee is currently using the Higganum village regulations as a model, but the different characteristics of the two village areas requires the modification and fine-tuning of the Higganum model. As currently zoned, only industrial uses are permitted in the Tylerville area and the town has planned to rezone the area for commercial uses for quite some time. It is only now that that effort has moved forward.

With respect to the current process, the Gateway Commission has concern that if the conveyance occurs at this point in time, some have said that the Commission has the ultimate control to “veto” the final zoning proposal and stop the process. **Fischbach** commented that the Gateway Commission does not want to be in a position to stop a town-sanctioned rezoning effort at the end after having collaborated throughout this process. Such a decision would be counter to the partnership that the Town of Haddam has with the Gateway Commission and visa versa. **DeMichele** stated that more time is needed in order to work out the details of this issue and that conveyance of the land at this stage will circumvent that process.

Thomas interjected, stating that it must be remembered that the Gateway Commission, through legislative findings and mission, exists for the benefit of the present and future citizens of the State of Connecticut, forever. Land use decisions and development impact citizens for generations to come. Further, **Thomas** commented that the Haddam Planning and Zoning Commission serves the people of the Town of Haddam, not the Riverhouse partners. **Thomas** queried, if he were a member of the Haddam P&Z (he is currently a member and a past chairman of the East Haddam P&Z), he would be

asking what would “we” want this to look like? **Thomas** and **DeMichele** both raised suggestions including requirements for visual buffers along the railroad tracks and along the visible hillsides. **DeMichele** commented on significant and at times contentious Tylerville issues including ground water pollution, the use of the Valley railroad tracks adjacent to the property and mentioned the varying business interests in the Tylerville area.

At this point, Representative Miller commented that he had been assigned to the environment committee, so he expects to be involved in legislative deliberations on this conveyance. Miller also asked whether the 87 acre parcel located adjacent to Cockaponsett State Forest requires an appraisal or, perhaps, *another* appraisal.

Chirico commented at this point that, as a business man, he sees this process going in the *wrong* order. Given all of the unknowns to be worked out, the conveyance should *follow* the process, not *lead*.

Concerning the amount of time Gateway had to work out a position, Daily commented that the vote on the conveyance bill occurs on the last day of the session. Regarding the question of whether or not the proposed language can be removed from the bill, Daily responded that it cannot because the bill has already been filed and offered for public hearing. What *can* be done, Daily reported, is that the Gateway Commission or anyone else can offer modified language as testimony during the public hearing. **Woody** asked if language can be included to outline the process that must occur (rezoning, etc.). Daily reported that *any* language can be added.

Thomas suggested that perhaps substitute language with contingencies to protect the position of the Gateway Commission can be added. **Woody** commented, however, that the proposal is incomplete in that it isn't accurate: the Goodspeed organization is still included as a party to the conveyance in the proposed bill, which Daily indicated they are not at this time. Daily reiterated that the language included in the bill was identical to that included last year for the purpose of being a “placekeeper” and to beat the filing deadline. She anticipated the language would be modified.

DeMichele commented that for any chance to move forward at this point with a conveyance, the town, the Gateway Commission, all parties would need a realistic development plan which does not exist at this time. Regarding realistic plans, staff was permitted to ask about a statement made twice by two separate Riverhouse partners at two separate meetings: the financial feasibility for the “boutique” hotel being discussed for location to the west of the Riverhouse may be in question without the relocation of the Goodspeed Theatre to the Haddam site that is the subject of the conveyance. With recent statements regarding the loss of the \$10 million grant eyed as seed money for theatre reconstruction by the Foundation and the ongoing nature of their current housing construction project, the likelihood of theatre relocation anytime in the foreseeable future is in doubt. The question was asked, if the financial feasibility of the hotel may be connected to the relocation of the theatre and statements indicating that the theatre relocation is not imminent, isn't that a significant question that should be resolved before the 17 acre parcel in question is conveyed out of State-owned conservation and into private hands?

Although the Goodspeed Theatre seems not to be a part of the plan at this time as described by two Riverhouse partners, the issue of the theatre building, were it to be located on the site, was raised. **Bement** commented that she recalls architectural plans for the theatre that showed construction materials of concrete block and a design she did not consider in keeping the “*natural and traditional riverway scene*” of the lower Connecticut River.

Fischbach queried whether the property could be split with the State retaining the particularly visible portions with the remainder being conveyed to the Riverhouse partners. An appraisal would be done to

value the two separate pieces. Daily commented that splitting the property in this manner prior to conveyance is not a possibility. **Fischbach** also commented that the possibility exists that rezoning of the parcel, as intended by the Town, could theoretically be difficult if the property owner chose to fight the rezoning for any reason.

Chirico commented that, since last year's language was used for this year's bill, Goodspeed's involvement is still included which isn't the case. Daily reiterated that the language was used as a "placekeeper" assuming that the language would be modified.

Thomas made suggestions for inclusion in modified language: (1) that the Haddam rezoning effort be completed prior to the final conveyance of the properties, and (2) two appraisals of the two parcels in question be completed in order to confirm property values are appropriate. At this point in the discussion of language modifications, **Blatt** spoke about concern with so many contingencies that exist in this process. **Turner** asked Senator Daily why she seemed reluctant to pull the bill after the public hearing is held. Daily said that a "hammer" needs to be held over the head of the Haddam land use commissions to insure that the process doesn't slow to a point detrimental to the Riverhouse partners.

Daily finalized her comments by reiterating that the solution for the Gateway Commission is to propose substitute language as part of its testimony during the public hearing on the bill. **Woody** requested comment from Commission members regarding what language testimony should include before the legislature.

At 8:55pm, Senator Daily and Representative Miller departed the meeting.

Blatt again stated that he had great concern over the proposal to modify the bill language because language that is proposed isn't necessarily what's added to bills. The outcome can be a "crap shoot", an unknown. The only sure way to maintain the position of the Gateway Commission is to have the property removed from the bill entirely.

Woody suggested that he might include a written version of last year's testimony, since the language in the bill is the same, summarize those reasons for opposition and describe the commission's effort to mediate the issue through meetings with Haddam officials, the developer and Commissioner Marrella and then emphasize that our current opposition is due to the premature nature of the conveyance given all of the unknown and unanswered issues that clearly exist. Included is to be language that describes the ongoing collaborative efforts in which the parties have engaged and that conveyance at this time will circumvent that established collaboration and weaken the Gateway Commission's ability to insure that any development that occurs on this 17 acre parcel will be in keeping with the Gateway mission to preserve and protect the "*natural and traditional riverway scene*" in that portion of the Connecticut River, consistent with their statutory mission. Language would include the commission's opposition to the circumventing of the town-sanctioned planning efforts and the need to confirm the position of the Goodspeed organization.

Chirico indicated that if language modification were to occur, the last sentence of the bill language for the property should require conveyance "subject to the approval of the State Property Review Board AND the Gateway Commission AND the Haddam P&Z, etc.

Blatt again reiterated that as good as substitute language proposals can be, there is no guarantee what language will end up in the bill.

Revisiting the land value questions, **Fischbach** further commented that comparable values should be

made not only for dollar value but for conservation value as well. **Fischbach** commented that an argument could be made that even though the proposed 87 acre forest is larger than the 17 acre Tylerville property by approximately five times, it is a fraction of the size of Cockaponsett State Forest and perhaps of less overall value to that State parcel. Despite its smaller size, the 17 acre parcel may be of *greater* conservation value due to its important visible location at the west end of the Goodspeed Bridge and its location within the Gateway Conservation Zone.

If the Commission were to oppose the inclusion of the property in the conveyance bill, **Thomas** asked whether a statement should be made regarding the desire for the collaboration to produce required results prior to the next legislative season. Members acknowledged that a decision had to be made at this meeting with respect to pursuing language modification or opposing the inclusion of the property within the conveyance bill because the public hearing would occur on March 14, 2011 and prior to the next regularly scheduled Gateway meeting on March 24, 2011.

Following additional significant discussion on the feasibility of modifying language in a manner which might preserve the position of the Gateway Commission in the short time available and whether or not that language would ultimately end up in the bill, a consensus was reached that Chairman **Woody**, with the assistance of Staff should prepare testimony which opposes the conveyance at this time due to the premature nature of the conveyance timing. Staff reminded the Commission members that they had sent a letter to Senator Daily, dated December 14, 2010 [attached], that specifically requested that the conveyance of the property be postponed until next legislative session (2012) so that the ongoing collaboration and town planning efforts can be concluded or much further along than they are at this time. They were further reminded that the letter indicated that if the property *were* to be included in this year's conveyance bill, the GW may feel obligated to testify against the inclusion of the property based upon the premature timing of the conveyance. Staff commented that the submission of the property in the bill has put the Commission squarely in the position in which they warned that they didn't want to be.

Regarding the testimony, members opined that pertinent issues to be included are (1) the fact that a town-sanctioned planning effort has been commenced but has not reached any conclusions regarding the ultimate zoning of the Tylerville area or the 17 acre lot in question, (2) the conceptual nature of the project with no specific development plans or renderings which would provide an idea of what a development on that property may look like or what visual impact it may have on the "*natural and traditional riverway scene*", the unanswered question regarding the potential financial feasibility of the project in the absence of the relocation of the Goodspeed Theatre, discussion with decision makers in the Gateway member town of East Haddam across the river and the possibility of a conveyance of State-owned conservation land to private hands and the adverse impact that could have on land donations for the purpose of conservation.

Adjournment

Upon motion by **Bement** seconded by **Fischbach**, the meeting adjourned at 9:18 p.m.

LETTER SENT TO SENATOR DAILY
Confirmed RECEIVED by Legislative Assistant
December 14, 2010

Senator Eileen Daily
Legislative Office Building
Room 3700
Hartford, CT 06106-1591

SUBJECT: Conveyance of Certain Land in the Tylerville Area of Haddam

Dear Senator Daily:

At its Regular Meeting on December 2nd, 2010, the Connecticut River Gateway Commission requested that I send a letter updating you on the Tylerville partnership from their perspective.

Background

As you are aware, the Connecticut River Gateway Commission opposed the inclusion of the subject property in HB No. 5520 (enclosed herewith as Appendix A and B are the statements that Gateway Commission Chairman Melvin Woody and I read at that hearing stating the Commission's objections to the inclusion of Tylerville property in HB 5520) last year. Subsequently, Haddam 1st Selectman Paul DeStefano strongly requested that the Gateway Commission participate in meetings that would be convened in an attempt to find common ground and a solution to the issue of development of state-conserved property in the Tylerville section of Haddam. In an effort to respond to the needs of their member town, representatives of the Gateway Commission have participated since last spring in several meetings attended by DeStefano, Haddam Town Planner Liz West Glidden, Architect Steve Rocco and GW Commission Chairman Melvin Woody, Susan Bement and Derek Turner, who represent Haddam on the commission, and Haddam residents Stasia DeMichele and Raul Debrigard who represent the Midstate Regional Planning Agency. I have attended those meetings as staff to the Gateway Commission and to assist, along with Ms. Glidden, in the facilitation of that effort. Although remaining concerned about the impact of conveying conservation land for development in this visible Conservation Zone location, the Commission is committed to continuing dialogue with the parties in an attempt to find a solution that would meet all needs including those of the town's local economy, the Gateway Commission's mission, the needs of the conservation community in Haddam, the needs of the citizens of Haddam and other needs that have been expressed in the various public forums where the topic has been raised, discussed and debated.

Early Discussions

In an early discussion with Steve Rocco, Chairman Woody suggested that the interests of all concerned might be reconciled if Rocco would be willing to grant a scenic easement that would protect the view from the river, East Haddam and the Goodspeed bridge. When Rocco expressed an interest in that possibility, several members of the Gateway Commission and I met with DEP Commissioner Amey Marrella and members of her staff on June 22, 2010 to discuss whether the DEP might be amenable to some such compromise. As you no doubt recall, the DEP opposed inclusion of the Tylerville swap in HB No. 5520 and the Gateway Commission felt that they could not in good conscience negotiate with the town and Rocco's Riverhouse partnership if there were no chance at all that the DEP would agree to any compromise solution. Commissioner Marrella did not rule out the general possibility, but suggested that it could best be considered at a meeting of all the interested parties once other uncertainties are resolved, including uncertainty about the leadership of the DEP after the fall election. Reassured that the effort need not be in vain, the Commission authorized further

negotiations with the town and Mr. Rocco.

Planning and Zoning Concerns: A Tylerville Village District

The Gateway Commission representatives participating in the meetings expressed a concern that, as currently zoned, the 17 acre Tylerville property can only be used for industrial purposes, most of which neither the Town nor the Gateway Commission want to see in that location (the area has long been planned for commercial uses in the Town Plan). With the urging of many, including Gateway and Haddam Planning & Zoning Commission member Stasia DeMichele, the Town has undertaken a deliberative process to study and then rezone the Tylerville area as a village commercial center, similar to that existing in the Higganum section of Haddam. Since any regulations proposed must be approved by the Gateway Commission before they can become effective, Ms. DeMichele and GW staff have participated in some of those meetings to assist in the effort and provide guidance about the standpoint of the Gateway Commission and their mission. The effort will take some time to work through given the public interest and the necessity for numerous meetings intended to reach as much of a townwide consensus as is practical. The members of the Gateway Commission believe that it is crucial to complete this rezoning effort before working out the particulars of any compromise solution to the problem of transferring the property into private hands

November 16, 2010 Meeting

In the most recent meeting of interested parties, held on Tuesday November 16, 2010 in Haddam Town Hall, Mr. Rocco presented a suggested general plan for the overall use of the 17 acres surrounding the Riverhouse property. The map included hillside areas that he proposed to place under a conservation easement, areas to be developed for retail uses, a new Goodspeed Theater and a new hotel. Although those at the meeting found the preliminary plan very helpful as a point of departure, it is not clear whether other members of the GW Commission will support the level of protection proposed. The discussions haven't reached that stage as of yet.

The plan also raised other concerns. In the course of the discussion, Mr. Rocco indicated that he still anticipates that a new Goodspeed theatre would be built on the site and said that the financial viability of the planned hotel might depend upon inclusion of the theater. However, Commission members have heard from other sources that the construction of a new Goodspeed theatre outside of East Haddam is extremely unlikely. The commission members involved think it is very important to resolve this uncertainty by direct consultation with Michael Price or representatives of the Goodspeed Foundation Board. If the conveyance of the surrounding state-owned conservation property were to occur prior to the settling of all or most aspects of this plan to the satisfaction of all participants, there will be no guarantee that the anticipated project will go forward in the form discussed to date. In that case, although it is acknowledged that any development would be consistent with approved Gateway standards and that the new zoning currently being studied by several Haddam committees would have to be approved by the Gateway Commission, it might result in state-owned conservation land being conveyed for purposes of indeterminate development that may or may not be compatible with the Gateway Commission's mandate.

Postponement of Conveyance

The issue at hand, Senator Daily, is the timing of the inclusion of this property in any upcoming conveyance bill. Given that meetings between the partners are ongoing, given that the town is in the beginning stages of long-term planning for the Tylerville village area, and given that there are significant unresolved issues surrounding this effort that may prevent the project coming to fruition as discussed, the Gateway Commission feels that inclusion of the 17 acre Tylerville property in a conveyance bill in the upcoming legislative session would be premature. Without a completed planning and zoning framework in place and without firm and verified commitments that will assure development consistent with what has been discussed, the Gateway

Commission wants all to understand that they would likely have no choice but to again oppose the transfer of this property were it to appear in a forthcoming conveyance bill. They would rather not be put in that position after investing so much time and attention in the effort to forge a compromise that could serve the interests of all concerned.

Summary

The Commission therefore asks that the Tylerville property not be placed in any upcoming conveyance bill or conveyed out of conservation for development by any other means until the parties have reached agreements on all matters associated with the property and the zoning status of the area is resolved. The view from the Goodspeed Opera House and the swinging bridge between Haddam and East Haddam is one of the most important to the general public and to tourism in the entire Gateway Conservation Zone. For the Gateway Commission to be willing to accept the loss of that existing conservation protection, they will need assurances that what is being discussed will be what comes to fruition. In that there appear to be so many “uncertainties” in a project with a complex set of circumstances and issues (including the various aspects that aren’t necessarily in the control of Mr. Rocco), the Gateway Commission continues to have *tremendous* concern over the conveyance of the property prior to eliminating as many of the uncertainties as possible.

I would be glad to discuss this matter further with you – and, perhaps, members of the commission involved in the discussions in Haddam – at any time and we hope that you will participate in the final negotiations with the DEP once these preliminary uncertainties have been resolved.

Thank you for your consideration of the concerns of the Gateway Commission and your anticipated involvement in ongoing discussions common to the Town of Haddam and the Connecticut River Gateway Commission.

For the Commission,

J. H. Torrance Downes
Senior Planner, CRERPA

Copies to:

Mr. Paul DeStefano, First Selectmen, Haddam
Ms. Liz West Glidden, Town Planner, Haddam
Mr. Steve Rocco, Architect
Ms. Gail Kalison Reynolds, Chairman, Haddam Conservation Commission
Dr. Malcolm Gorin, Chairman, Haddam Planning & Zoning Commission
Dr. Melvin Woody, Chairman, Gateway Commission
Mr. Raul Debrigard, Midstate Representative to the Gateway Commission
Ms. Stasia DeMichele, Midstate Representative to the Gateway Commission
Ms. Susan Bement, Gateway Commission, Haddam
Mr. Derek Turner, Gateway Commission, Haddam
Mr. David Blatt, Commissioner’s Representative to the Gateway Commission
Mr. James Spallone, 36th District, State Representative

APPENDIX A

Committee on Government Administration and Elections

An Act Concerning the Conveyance of Certain Parcels of State Land

Raised Bill No. 5520

Testimony Submitted by Staff of the Connecticut River Gateway Commission

Mr. and Madam Chairmen and members of the Committee, thank you for the opportunity to present testimony on behalf of the Connecticut River Gateway Commission regarding Raised Bill No. 5520. Although I usually don't read my testimony before legislative committees, I will do so here because of the importance of this testimony.

My name is J. H. Torrance Downes, Senior Planner with the Connecticut River Estuary Regional Planning Agency, one of 15 regional planning organizations in the State and Primary Staff for the Connecticut River Gateway Commission. My testimony is presented on behalf of the CT River Gateway Commission. My job in testifying is to establish for the record who the Gateway Commission is, state its mission in protecting the "*natural and traditional riverway scene*" and to briefly describe the methods in which the Commission is authorized to pursue its mission. You will also hear testimony from the current Chairman of the Gateway Commission, Dr. Melvin Woody, a member of the Commission since its inception in 1973 – over 37 years. Dr. Woody will testify as to the Gateway Commission efforts in its preservation mission and provide the Commission's position regarding Raised Bill No. 5520. It is noted for the record that the Gateway Commission derives its substantial authority from Sections 25-102a through 25-102s of the Connecticut General Statutes.

The Gateway Commission has been in existence since 1973 and came out of a failed Federal effort to establish a recreational/conservation National Park along the entire 410 mile length of the Connecticut River from Canada to the mouth of the river at Long Island Sound. Although the federal effort was eventually abandoned as a result of state opposition in all four states through which the Connecticut River passes (Vermont, New Hampshire, Massachusetts and Connecticut), insightful residents in the lower Connecticut River valley saw the importance of protecting the lower river, especially from the standpoint of the visual protection of the "*natural and traditional riverway scene*".

The Gateway Commission is a regional "compact" that includes as its members the eight towns along the river from Haddam and East Haddam south to Old Saybrook and Old Lyme at Long Island Sound. Section 19 of Raised Bill No. 5520 includes the proposed conveyance of a 17 acre parcel from the Connecticut Department of Environmental Protection to a private developer adjacent to the Connecticut River in Haddam. The proposed conveyance referred to in Section 19 of Bill 5520 occurs within the "Gateway Conservation Zone", the area within which the Commission has its authority. The Conservation Zone, defined in Section 25-102c CGS, is best described as that area which can be seen when looking from the river up to the first ridge.

Section 25-102a CGS describes the mission of the Gateway Commission as established by the General Assembly:

Public interest in lower Connecticut River. It is found that the lower Connecticut River and the towns abutting the river possess unique scenic, ecological, scientific and historic value contributing to public enjoyment, inspiration and scientific study, that it is in the public interest that the provisions of this chapter be adopted to preserve such values and to prevent deterioration of the natural and traditional riverway scene for

the enjoyment of present and future generations of Connecticut citizens and that the powers of the Commissioner of Environmental Protection, conferred by the provisions of section 22a-25, should be exercised in the furtherance of the purposes hereof in conformity with his general responsibility to preserve the natural resources of the state.

The legislative mission of preventing the deterioration of the “*natural and traditional riverway scene*” in this highly celebrated river cannot be understated. With awards such as the environmental designations of the international Ramsar Treaty as a “Wetlands of International Significance”, one of “40 Last Great Places” by The Nature Conservancy, the establishment of the “Silvio Conte Wildlife Preserve” by the U.S. Fish & Wildlife Service and the national designation of the Connecticut as one of fifteen “American Heritage Rivers” in the entire United States, clearly the river is of great importance, not only from an ecological point, but from a scenic and economic perspective as well.

The Gateway Commission is authorized by statute to protect the viewshed of the lower Connecticut River in two primary manners:

- (1) through the establishment and adoption of development standards that are adopted into the Zoning Regulations of each of the eight member towns, and
- (2) acquisition of properties, either in fee or through conservation easement.

First, the standards of the Gateway Commission, which include rules governing building footprints, building heights, setbacks and the clearing of trees, endeavor to manage development with an eye toward having what is primarily residential fit the land with a minimum of visual impact rather than disrupting the landscape to fit a particular architectural design. This includes minimizing the removal of visually buffering trees. Second, the Commission is authorized to purchase or receive donations of land within the Conservation Zone for the purpose of open space preservation, which in turn, preserves the “*natural and traditional riverway scene*”.

Since 1973, the Gateway Commission has either acquired, or participated in the acquisition of, over 1000 acres of conservation land within the Conservation Zone, spending more than \$1,000,000 of their own funds. Clearly, the Commission puts their money where their mouth is when it comes to their mission of preservation. This second method of carrying out its mission is where the concern over Raised Bill No. 5520, Section 19 is found.

With respect to the 17 acre, CTDEP-owned parcel that would be conveyed for development purposes, the initial acquisition of this land for conservation purposes by the State of Connecticut for over \$1.3 million is an unavoidable indication that there appeared to be an important reason for such a decision. The State does not spend that kind of money without a complete and exhaustive record substantiating the purchase.

Further, the recorded deed for the property states that the 17-acre parcel, “*a prime natural feature of the Connecticut landscape, has high priority recreation, fishery, and conservation value, and is consistent with the state's comprehensive plan for outdoor recreation and the state plan of conservation and development, **and should be retained in its natural scenic or open condition as park or public open space** [emph. added] . . .*”. In the face of this verbiage, returning this “*prime natural*” parcel to development appears directly opposed to its original conservation purpose.

The crux of the matter that is the subject of Section 19 of Raised Bill No. 5520 is threefold:

- (1) There is great concern over returning 17 acres of any visible Conservation Zone land from protected open space back to developable land, especially when an effort was made by the State of Connecticut to preserve it in the first place.
- (2) Removing protected open space from the Gateway Conservation Zone and replacing it with open space that is NOT within the Conservation Zone, as is the case in this conveyance, is a net loss to that “*natural and traditional riverway scene*” from the perspective of the Gateway Commission and its statutory mission.
- (3) Even if development under these specific set of circumstances is seen as acceptable and beneficial by some measures, significant concern *still* exists over potential ramifications to conservation organizations such as the Gateway Commission who depend upon donations of land to pursue their preservation missions. **If those who donate land for conservation purposes can not trust that their donations will *remain* in conservation “in perpetuity”, they may not donate the land in the first place. There MUST be confidence that, when land is donated for conservation purposes, it won’t end up being sold or traded for development at sometime in the future, no matter HOW good the intentions are.** In the early days of the Gateway Commission’s work, they ran into just this sort of skepticism, so this is not a speculative issue.

In summary, although there may be some specific community benefits to this particular conveyance, it is incumbent upon this committee to consider the broader implications of conveying conservation land owned by the State of Connecticut for development. Not only would this action run counter to the State Plan of Conservation and Development (which was cited as a reason for the State’s purchase of this land for conservation in the first place), it sends a message to the general public that, no matter what is represented, donated conservation land could ultimately be returned to development when circumstances suit. Such an action is a threat to conservation efforts statewide.

In addition, removing a substantial and highly visible piece of open space located within the Gateway Conservation Zone from conservation is in direct opposition to the 37-year Connecticut River Gateway Commission statutory mission to prevent the deterioration of the “*natural and traditional riverway scene*” for present and future residents of the State of Connecticut. The Gateway Commission believes that every preserved parcel is important to their mission; they are already keenly sensitive to the consequences inherent in the “cut of one thousand knives”.

Thank you for the opportunity to present testimony on behalf of the Connecticut River Gateway Commission. If you should require any additional information, please contact me, J. H. Torrance Downes at 860-388-3497 or jhtdownes01@yahoo.com.

I am available for questions.

APPENDIX B

Committee on Government Administration and Elections

**An Act Concerning the Conveyance of Certain Parcels of State Land
Raised Bill No. 5520**

**Testimony Submitted by Dr. Melvin Woody, Chairman
Connecticut River Gateway Commission
March 19, 2010**

My name is Melvin Woody. I am the chairman of the Connecticut River Gateway Commission. Thank you for giving us an opportunity to comment on this bill. Section 19 describes a land swap that includes an extremely important tract of riverscape within the Connecticut River Gateway Conservation Zone. As Torrance has explained, in 1973 this legislature established the Gateway Conservation Zone in order to protect this last unspoiled major estuary on the east coast from helter skelter, unguided developments that might destroy its outstanding public values. Or, more accurately, the legislature authorized the eight towns in the lower valley to establish a conservation zone with the help of representatives of the state Department of Environmental Protection. It was only after the towns designed and established the conservation zone that the Connecticut River Estuary was declared one of the last great places on earth, a wetlands of international importance and the entire river was designated one of fourteen National Heritage rivers in the U.S.. The legislature found that the river and the towns abutting it “possess unique scenic, ecological, scientific and historic value contributing to public enjoyment, inspiration and scientific study.” The Gateway Commission is charged with preserving those values by administering a zoning compact designed by the towns and by protecting the historic natural and scenic vista all along the river, for which purpose we have negotiated gifts and purchases of the scenic easements and in fee properties that Torrance Downs described in his presentation, often in collaboration with the towns and the local land trusts and the Nature Conservancy.

The commission has not had an opportunity to discuss the land swap described in Section 19 of this act since learning of it last Friday. But we did discuss the same proposal at some length when we heard about the same trade last year before the governor vetoed the proposal. The executive committee discussed this proposal on Monday and have communicated with the rest of the commission by e-mail. We find that this swap does not make sense. It doesn't make sense financially, though that's up to the Properties Review Board – and it doesn't make sense measured by the values that the legislature and the towns have charged us with protecting. The seventeen acres the state would be trading present one of the most publically important views in the lower valley. They are directly opposite the Goodspeed Opera House and the adjacent Gelston House Inn and restaurant – at the western end of the famous singing, swinging bridge between Haddam and East Haddam. The only other views I can think of that may be as often and openly enjoyed by the general public are the views from Gillette Castle and the Hadlyme Ferry and that from the Baldwin Bridge. According to the deed, the state purchased this land in 2003 because it “has high priority recreation, fishery and conservation value, and is consisting with the state comprehensive plan for outdoor recreation and the state plan of conservation and development ***and should be retained in its natural scenic or open condition as park or public open space.***” (emph. added) I call special attention to this provision in the deed because it is not even mentioned in Section 19. Section 19 proposes to swap this land for 2.7 very flat acres at the south end of the Goodspeed Opera House parking lot, which have so little scenic value that they were sold to the Goodspeed for \$.50 – and for 54 acres in the Higganum section of Haddam that are hidden from the river and fall almost entirely outside the Conservation Zone. They do abut one section of Cockaponsett State Park, but are visible only from High Street in Higganum and, perhaps, from the opposite side of the Higganum Reservoir,

which runs along the west side of High Street. We do not believe this is a fair or appropriate trade. We urge this committee to recognize that the unique natural, scenic and public values of the lands along the river far outweigh the difference in size of the tracts that section 19 proposes to swap.

Thank you for your attention.