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Environment Committee
Room 3200
Legislative Office Building
Hartford, Connecticut 06106

Opposition to Raised Bill No. 5128 entitled “An Act Concerning Certain Revisions To The Coastal Zone Management Statutes”

Distinguished Members of the Environment Committee,

I am writing in **opposition** to *Raised Bill 5128: An Act Concerning Certain Revisions to the Coastal Zone Management Statutes*. As a member of both the Planning & Zoning Commission and the Inland Wetlands & Watercourses Commission in the Town of Durham, Connecticut, I feel compelled to offer comment on the potential impacts of this bill.

Section (b)(1)(k) clearly states the bill's intent:

“to encourage a fair and orderly legal process to foster strategic *retreat of property ownership, over a period of several decades, for coastal lands that have a likelihood of being lost due to erosion and coastal lands that contain structures that are subject to repetitive damage.*”

However, this statement is inconsistent with the bill's *Statement of Purpose*:

“To address sea level rises in coastal zone management statutes.”

For if the committee wishes to “*address sea level rises*”, it should look first to developing legislation which hardens and reinforces our coastal seawalls, barriers and beaches; rather than attempting to displace families and confiscate their homes and property. If one believes that sea levels will continue to rise in the future, then hardening and reinforcement makes far more sense; otherwise, as tidal waters continue their march inland, more and more families would have to be displaced, and even more homes and businesses would have to be razed.

Second, the bill is unclear as to the criteria to be used when making a determination that a property has a “*likelihood*” of being “*lost due to erosion*” or is “*subject to repetitive damage*”. **The “*likelihood*” of any event occurring, or the determination that a structure is “*subject to repetitive damage*” is surely subject to much interpretation.**

Third, the bill is unclear as to exactly who is responsible for making this determination. Would it be the local Building Inspector? The Department of Energy and Environmental Protection? The Local Wetlands & Watercourses Agency? The town's Board of Selectmen? FEMA?

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Without guidance as to the criteria to be used and the person or groups charged with making this determination, it can reasonably be expected that there will be **enforcement difficulties, and expensive and prolonged litigation** from property owners who have been informed that they cannot rebuild their homes and businesses.

Fourth, it is reasonable to expect that this legislation will be used by insurance companies to justify increased insurance rates. This is because a **Structural Loss** now becomes a **Total Loss**, and insurance carriers will have to reimburse policyholders for the value of the land in addition to the value of the structure. For those who reside along or near the shoreline, this would likely result in a doubling or tripling of their insurance premiums.

Fifth, committee members must consider the impact on **shoreline communities**. Who would own, maintain and insure these vacant parcels? Should a home be destroyed, which was part of an Association, who would be responsible for paying HOA Fees for this parcel of land, which can no longer be built upon? One can foresee the remaining members of such an association having to make up for this shortfall; or have the neighborhood fall into disrepair.

Sixth, the committee must consider the impact on **shoreline municipalities**, which presently **derive a very sizable portion of their tax base from costal residences and businesses**. Would these once highly-taxed properties fall to near-tax-exempt status for municipalities?

Seventh, consider the impact on Connecticut's **marinas** and **beach clubs**, which can easily be claimed to be "subject to repetitive damage" from storms, since they are (necessarily) located on the shore. Their loss would be a major blow to Connecticut's boating and tourism industries.

Finally, consider the consequence of this legislation on **shoreline restaurants** and **museums**; which, when unable to obtain reasonable insurance rates or to rebuild following a severe storm, will be forced to close; laying-off their employees. Imagine a Connecticut without Guilford's *Stone House* or *Mooring* restaurants or Madison's *Wharf Restaurant*, without Noank's *Abbots Lobsters-in-the-Rough* or Saybrook's *Dock & Dine*; without New Haven's *Rusty Scupper* or Westbrook's *Water's Edge*. Since all of these restaurants are located on the shore, all could be said to have a "likelihood" of being "subject to repetitive damage".

It is understood that the primary mission of the Environment Committee must be to protect our state's environment; however, on multifaceted issues such as this, I believe it is incumbent upon your committee to consider proposed legislation from more than a single vantage point. **For the above reasons, I respectfully ask that you oppose Bill 5128.** Thank you for your time and for your consideration of the above points.

Sincerely,

Frank C. DeFelice