

**Committee Bill No. 459**  
**An Act Concerning Local Control over Coastal Areas**

My name is J. H. Torrance Downes. I am the Senior Planner at the Lower CT River Valley Council of Governments. For the record, I hold a Bachelor's Degree in Geology from New England College and a Master's of Science Degree in Coastal Geology from Boston College. I have seventeen years of experience as a land use planner with the former CT River Estuary Regional Planning Agency and now the RiverCOG. I am a CAZEO-certified Zoning Enforcement Officer with experience in administering the policies and procedures of the CT Coastal Management Act. For five years I was employed as a Permit Analyst in the DEP's Office of Long Island Sound Programs. I have experience in the review of applications for seawalls both at the local, regional and state level. Finally, and most perhaps most germane, I am the artist of the CT "Save the Sound" lighthouse license plate.

I am testifying in opposition to the inclusion of proposed Section 1(b)(9) concerning the exemption of coastal seawalls from Coastal Site Plan Review as this section appears to allow.

When the CT Coastal Management Act was adopted by the CT General Assembly in 1980, the oversight and implementation of the protective policies of the Act were delegated to the local zoning authorities in towns located within the Coastal Boundary identified in the CCMA. Under the Act, certain development projects *incidental* to the enjoyment of a residential property can be exempted from the procedures of a Coastal Site Plan Review, which must be conducted by a local land use authority such as a Zoning Commission, a Planning Commission, a Planning & Zoning Commission, and a Zoning Board of Appeals. Examples of such developments include decks, pools, walkways, sheds and other incidental structures. The construction of new residential structures located within 100 feet of specific coastal resources *must* have a Coastal Site Plan Review conducted by the local zoning authority. During such a review, an application is submitted with information on the project along with a citation of the coastal management policies which impact the development. An applicant must demonstrate consistency with those policies, policies that involve the protection of valuable coastal resources. The application can only be approved and the development implemented once the local zoning authority finds that the project "is consistent with the policies of the CT Coastal Management Act" and finds that all efforts to minimize any remaining adverse impacts to on-site and nearby resources have been "minimized" to the greatest degree possible. In this manner, citizens of the State and the Town are assured that projects that *could* create adverse impacts in our valuable coastal area are implemented consistent with the protective policies of the Act.

Because of the adverse impacts that seawalls are known to create, ALL applications to construct them presently *require* a local zoning authority to conduct a Coastal Site Plan Review, with no exceptions. As for seawalls, or “shoreline erosion and flood control structures”, the major policy contravened by the construction of such structures is that of Section 22a-92(b)(2)(c) of the CT General Statutes which states that it is the policy of the state “....*to preserve the dynamic form and integrity of natural beach systems in order to provide critical wildlife habitats, a reservoir for sand supply, a buffer for coastal flooding and erosion, and valuable recreational opportunities; to insure that coastal uses are compatible with the capabilities of the system and do not unreasonably interfere with natural processes of erosion and sedimentation, and to encourage the restoration and enhancement of disturbed or modified beach systems;...*”. In simpler terms this policy states that beach systems, including escarpments where seawalls may be proposed and the beaches behind which seawalls are often constructed, are to remain in a natural state. This policy is important because it is the natural erosion and transport of sediment along the shoreline that in part nourishes our local beaches. Once the source of that sediment is cut off by encasing a sandy escarpment in a concrete or steel sheath – enclosed if you will – one unwanted impact is that we start to find that our beaches begin to disappear. This occurs both because of “starvation” of sediment from up-drift sediment sources as well as because a hardened shoreline tends to reflect sea waves back out into the water at the same time carrying the beach sand with it, some to never reappear. For both reasons, the beach erodes away. As has been recently seen in places along the New Jersey shore following Hurricane Sandy and other large coastal storms, such occurrences are extremely disruptive and expensive because beaches are an integral to a summertime economy in Connecticut and elsewhere. The economy suffers and beaches have to be “re-nourished” at tremendous costs to taxpayers. Further, the loss of beaches – much like the buffering effect of sand dunes – will further diminish the ability of homeowners and towns to protect their properties and lives from the destructive forces of coastal storms. We’ve seen videos of bulldozers urgently rebuilding beaches and dunes lost to storms in order to replace the natural protection offered by these natural coastal features. Again, tremendous costs to taxpayers. Will any one seawall create drastic adverse impacts? Perhaps not. As with much environmental degradation, it is the “cut of a thousand knives”.

Because of the aforementioned adverse impacts, another policy of the CT Coastal Management Act is that coastal seawalls, which create what is referred to as shoreline “hardening”, is only found to be acceptable if a residential structure is in “imminent danger” of destruction because of its proximity to a possible escarpment failure. The construction of a seawall in order to protect possible erosion of a back yard, a not atypical reason for the proposal of such structures, is inconsistent with this policy.

At the present time under the existing language in the CT Coastal Management Act and in local zoning regulations throughout the state, a coastal seawall requires a mandatory Coastal Site Plan Review by the local zoning authority. The importance of this mandatory review is that if such a wall were to be proposed *waterward* of the "coastal jurisdiction line" (the newly adopted jurisdiction line for state permitting in coastal and navigable waters), a Structures and Dredging and/or Tidal Wetlands Permit would be required, and the project would be reviewed for consistency with Coastal Management Act policies as a part of that process. If a sea wall is proposed *landward* of that jurisdiction line, thereby being outside of the authority of the State of Connecticut, and such structures are "exempted" from Coastal Site Plan Review by the local zoning authority, there is no review to insure that the policies of the CT Coastal Management Act are being adhered to, a clear disadvantage to the citizens of the state from whom the coastal resources are protected. No one is "watching the store". In those towns where seawalls might be exempted from such review, any waterfront property owner would just have the ability to hire a contractor to build whatever size and configuration wall they wanted without any regard for whether or not the wall is being built in a way which protects all of the citizens of the State of Connecticut from haphazard coastal construction that may be totally *inconsistent* with the protective policies adopted by the Connecticut General Assembly in 1980. The only caveat would be that it had to be built *landward* of the coastal jurisdiction line. There would be no way to guarantee that such a wall were built to any standard other than what the property owner wants it to be and to look like. The sky's the limit, which is an unsettling thought to those of us responsible for managing our coastlines for everyone.

In conclusion, there are some locations and circumstances where seawalls are necessary as a last resort to the loss of life and property. Where that is not the case, there must be a regulatory process involved to insure that the policies of the Connecticut Coastal Management Act are carried out and enforced to insure the long-term health of our Connecticut shoreline for all of its citizens, not just for the benefit of one coastal property owner. For this reason, I am opposed to the inclusion of Section 1(b)(9) in Committee Bill No. 459. Adopting this provision will have the impact of handing out the environmental knives to just about whoever wants them.

Thank you for your attention. If there are any questions, I would be happy to answer them.