3/2/2012

My name is Richard Hayes, I manage a Real Estate Development Company located in Manchester, Connecticut, and I am here to testify today in the support of the amendment being proposed to State Statute 22a-19 (Bill 343)

22a-19 was a well-intended piece of legislation in 1971 back before the Connecticut Department of Environmental Protection existed. Unfortunately, 41 years later several not so well intended groups are now abusing this legislation at the expense of the taxpayers and citizens of Connecticut.

As an example I'll take a minute to explain to you what transpired on a project that I have been involved with in Vernon, Connecticut. In August of 2000 we entered into an option agreement on a 15-acre parcel of land adjacent to I-84 at Exit 67. We obtained a zone change in 2001 for retail use and subsequently filed a set of plans in order to obtain the land use permits required to construct a Home Depot. The first step was the Wetland Commission where two separate groups filed intervention petitions. Now, mind you, there are no wetlands on the parcel and as later substantiated by the Superior and Appellate Courts there was less impact on the Town owned drainage system than existed with the property in its natural state. Nevertheless, the intervention petitions were filed and the Intervener's never introduced a shred of evidence to support their claims.

The Wetlands Commission reviewed the application, acquiesced to the Political pressure and wrongly denied the application. Fast forward four years and the decision is turned over by two Superior Court Judge's and the Appellate Court. At this time, we begin settlement discussions with the town for the appeals taken related to the Planning and Zoning Permits required for the project and lo and behold more intervention petitions filed essentially for the same reason and more court time taken up, this time 5 years passes. The economy turns, Home Depot's interest in the project wanes, and finally they disappear, because we could not deliver an approved site within 4 years in accordance with the contract. Another year and half later on January 24, 2012, the final court case decision was rendered and we win, but we lose because we've lost our tenant. In eleven years 13 judges at either the Superior or Appellate Court will touch this file and not once was there ever any evidence presented from the interveners.

This is a travesty. Quickly, here is what was lost:
Endless hours of time to put the record together by the Town of Vernon staff.
Tens of thousands of dollars in legal fees the Town of Vernon had to expend to defend these frivolous claims.
100's and 100's of court room hours wasted.
$3,000,000 dollars a year in Sales tax to the State of Connecticut.
$350,000 a year to the Town in property taxes.
200 plus permanent good paying part-time and full-time jobs.

That is what the town and state lost if I listed what I lost we would be here all afternoon.

Connecticut has a reputation as one of the states with the highest barrier to entry. We need to change that perception and adopting this Amendment is a step in that direction.

Ladies and gentlemen, the system is being abused and it's time to fix it. This is not intended to be an assault on the environmental components of 22a-19 and those who claim otherwise either have not read this amendment or have misinterpreted the language. I'd appreciate your assistance in accomplishing this by adopting our proposed amendment to State Statute 22a-19.

Most importantly it is time to create some new jobs and get Connecticut working again and this would be a good start.
Respectfully submitted,
Richard P. Hayes, Jr.
The Hayes Corporation