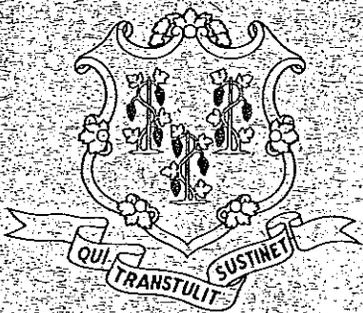


# Coastal Management Program

Connecticut  
General Assembly



LEGISLATIVE  
PROGRAM REVIEW  
AND  
INVESTIGATIONS  
COMMITTEE

## SUNSET 1983

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CONNECTICUT GENERAL ASSEMBLY

LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE

The Legislative Program Review and Investigations Committee is a joint, bipartisan, statutory committee of the Connecticut General Assembly. It was established in 1972 as the Legislative Program Review Committee to evaluate the efficiency and effectiveness of selected state programs and to recommend improvements where indicated. In 1975 the General Assembly expanded the Committee's function to include investigations and changed its name to the Legislative Program Review and Investigations Committee. During the 1977 session, the Committee's mandate was again expanded by the Executive Reorganization Act to include "Sunset" performance reviews of nearly 100 agencies, boards, and commissions, commencing on January 1, 1979.

The Committee is composed of twelve members, three each appointed by the Senate President Pro Tempore and Minority Leader, and the Speaker of the House and Minority Leader.

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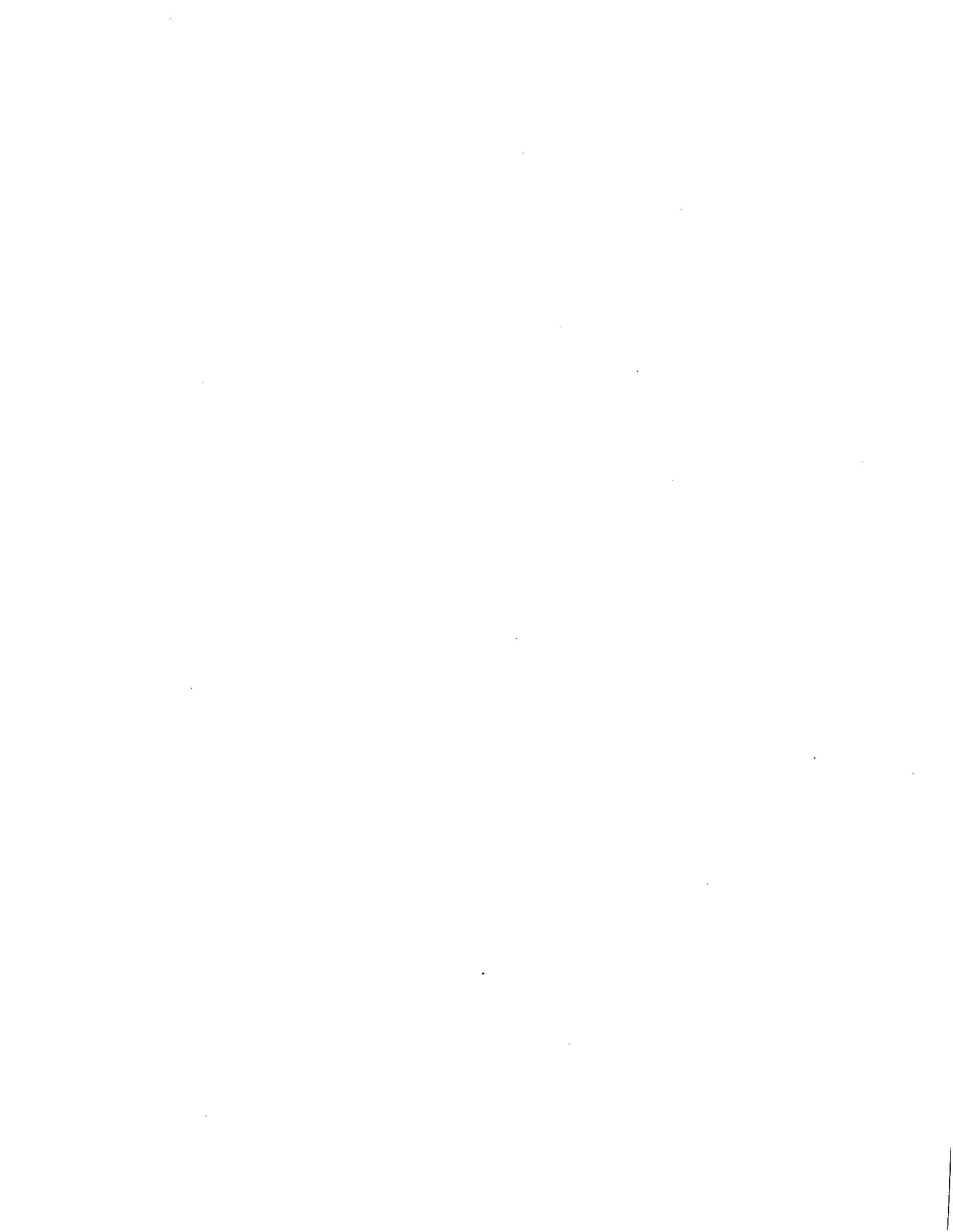
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## TABLE OF CONTENTS

SUMMARY.....	iii
I. INTRODUCTION.....	1
Purpose and Authority.....	1
Methodology.....	2
II. BACKGROUND.....	3
Legislative History.....	3
Structure.....	6
Budget.....	6
III. ACTIVITIES.....	9
State-Level Requirements.....	9
Municipal Duties.....	11
IV. ANALYSIS AND RECOMMENDATIONS.....	15
Short Title.....	17
Property Tax Assessments.....	18
APPENDICES	
A. Summary Sheet.....	21
B. Legislative Changes.....	26



## COASTAL MANAGEMENT PROGRAM

### SUMMARY

The Connecticut Coastal Management Program is intended to ensure that development in the coastal area occurs in a planned, thoughtful manner. Initial authorization for the program was contained in Public Act 78-152. That act detailed goals and policies, specified the municipalities in the coastal zone and established a legislative interim committee to prepare a report on the specific components needed to implement a coastal program.

Public Act 79-535, which took effect on January 1, 1980, is based on the interim committee's recommendations. The major, mandatory provisions of the law require municipalities to undertake coastal site plan reviews and the commissioner of environmental protection to answer questions for and provide maps and technical assistance to coastal towns. An important voluntary component of the act sets up a process for the development of municipal coastal programs.

The organizational structure of the Coastal Management Program in Connecticut combines state and local responsibility in a single system. While the state retains the authority and power to ensure compliance with the provisions and requirements of the law, the coastal municipalities have clearly designated powers. This division of authority is one of the program's distinctive features in comparison with other states in the Northeast.

Funding for the program comes primarily from the federal government under the provisions of the 1972 Coastal Zone Management Act. Grants of more than \$1.3 million annually have been received by the state for the past three years. The state match for the grants has been between \$312,000 and \$343,000 annually. At the start of the Coastal Management Program the state also made \$2,500 available to each coastal municipality to assist with initial implementation responsibilities.

#### Continuation of the Program

The major components of the Coastal Management Program had only been in effect for about 2½ years at the time of the sunset review. Issues of particular interest to the program review committee in judging the program were the progress being made by the state and the coastal municipalities in moving toward full implementation of the law as well as the extent of community support for the program.

The committee found that staff from the Department of Environmental Protection have performed the tasks necessary to establish the coastal area boundary, and they have been providing ongoing technical assistance to the coastal municipalities. All of the coastal municipalities are performing coastal site plan reviews, and 32 of the towns have chosen to develop municipal coastal programs.

With respect to community views about the Coastal Management Program, the committee found widespread support. Based on program review committee staff interviews with municipal representatives, public hearing testimony and letters from a number of coastal towns, it appears most concerns that the state was trying to take over local responsibilities and place excessive burdens on development projects in the coastal area towns have disappeared.

Because of the law's implementation date and the amount of time needed to complete all components of a municipal coastal program, it seems counterproductive to the program review committee to sunset the Coastal Management Program in 1983. The committee also believes the support the legislation has gained as a vehicle for serving the public interest with respect to proper development, preservation and use of land and water resources in the coastal area is justified. *The Legislative Program Review and Investigations Committee, therefore, recommends continuation of the Connecticut Coastal Management Program.*

#### Short Title

The state statutes for the Coastal Management Program encompass Sections 22a-90 through 22a-114, inclusive. Currently, the short title, "The Coastal Management Act," only refers to Sections 22a-90 to 22a-96. To clarify that all of Chapter 144 should be referred to by that title, *the Legislative Program Review and Investigations Committee recommends that C.G.S. Section 22a-90 be revised to indicate that the short title, "The Coastal Management Act," applies to Sections 22a-90 through 22a-114.*

## INTRODUCTION

### Purpose and Authority

Chapter 28 of the Connecticut General Statutes provides for the periodic review of certain governmental entities and programs and for the termination or modification of those which do not significantly benefit the public health, safety, or welfare. This law was enacted in response to a legislative finding that a proliferation of governmental entities and programs had occurred without sufficient legislative oversight.

The authority for undertaking the initial review in this oversight process is vested in the Legislative Program Review and Investigations Committee. The committee is charged, under the provisions of Section 2c-3 of Chapter 28, with conducting a performance audit of each entity or program scheduled for termination. This audit must take into consideration, but is not limited to, the four criteria set forth in Section 2c-7. These criteria include: (1) whether termination of the entity or program would significantly endanger the public health, safety, or welfare; (2) whether the public could be adequately protected by another statute, entity, or program or by a less restrictive method of regulation; (3) whether the governmental entity or program produces any direct or indirect increase in the cost of goods or services and, if it does, whether the public benefits attributable to the entity or program outweigh the public burden of the increase in cost; and (4) whether the effective operation of the governmental entity or program is impeded by existing statutes, regulations or policies, including budgetary and personnel policies.

In addition to the criteria contained in Section 2c-7, the Legislative Program Review and Investigations Committee is required, when reviewing regulatory entities or programs, to consider, among other things: (1) the extent to which qualified applicants have been permitted to engage in any profession, occupation, trade, or activity regulated by the entity or program; (2) the extent to which the governmental entity involved has complied with federal and state affirmative action requirements; (3) the extent to which the governmental entity involved has recommended statutory changes which would benefit the public as opposed to the persons regulated; (4) the extent to which the governmental entity involved has encouraged public participation in the formulation of its regulations and policies; and (5) the manner in which the governmental entity involved has processed and resolved public complaints concerning persons subject to review.

## Methodology

The Legislative Program Review and Investigations Committee's sunset review process is divided into three phases. The initial phase focuses on collecting quantitative and qualitative data related to each entity's background, purpose, powers, duties, costs and accomplishments. Several methods are used by committee members and staff to obtain this information. These include: (1) a review of statutes, transcripts of legislative hearings, entity records (e.g., minutes, complaint files, administrative reports, etc.), and data and statutes of other states; (2) staff observation of meetings held by each entity during the review period; (3) surveys of selected persons and groups associated with each entity; (4) formal and informal interviews of selected individuals serving on, staffing, affected by or knowledgeable about each entity; and (5) testimony received at public hearings.

During the second phase, the staff organizes the information into descriptive packages and presents it to the committee. The presentations take place in public sessions designed to prepare committee members for the hearings, identify options for exploration and alert entity officials to the issues the committee will pursue at the hearings.

The final step of the review involves committee members and staff following up on and clarifying issues raised at briefings and public hearings. During this period, the staff prepares decision papers and presents recommendations to the committee. The committee, in public sessions, then debates and votes upon recommendations for the continuation, termination or modification of each entity.

## BACKGROUND

### Legislative History

In 1972, Congress adopted the Coastal Zone Management Act, Public Law 94-370. Among the stated purposes of the act were "to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones." Included in the law was a series of congressional findings related to national interest in the coastal zone, the value of coastal resources, and the increasing and competing usage demands in coastal areas.

Mentioned as a key factor in effectively protecting these areas was encouragement of the states "to exercise their full authority over the lands and waters in the coastal zone" (Sec. 302(h)). This was to be done in cooperation with federal and local governments and other affected interests through the creation of land and water use programs.

A major portion of the law concerned the disbursement of grants to coastal states to assist them in developing such management programs. State participation in the program and receipt of a grant was voluntary, but a benefit of participating was that all federal development projects in the coastal zone would have to be consistent with the approved state management program.

Specific requirements had to be met by any state applying for the federal funds. Among the initial activities that a coastal state had to perform was the identification of: the boundaries of the coastal zone; the permissible uses in those areas; the means of exerting control over allowable uses; and the organizational structure proposed for implementing the program. Subsequent federal grants were authorized to cover ongoing administrative costs.

In Connecticut several years of study preceded the adoption of state legislation establishing a coastal management program. During that time the Department of Environmental Protection and its Coastal Area Management Advisory Board conducted a series of public meetings. In 1978, a lengthy and complex bill (HB 5547) was introduced. According to the bill's statement of purpose, it was intended to "insure the preservation, protection, wise development and beneficial use of the coastal area and its resources." During Environment Committee public

hearings in Hartford and four coastal towns, numerous individuals expressed concern that the bill would diminish local authority and add burdensome state restrictions on development in the coastal area.

In a revised and greatly reduced form, "An Act Concerning Coastal Area Management" (P.A. 78-152) was passed by the legislature to serve as the first phase of implementation of a coastal area management program. Rather than actually establishing a program, the act provided the framework for development of one. The act: detailed nine goals and policies concerning development, preservation and use of coastal land and water resources; specified the municipalities within the coastal zone (see Figure II-1); required the commissioner of environmental protection to prepare a report on the components of a coastal management program; and established a legislative interim study committee to report to the 1979 General Assembly with recommendations for legislative action concerning a state coastal management program.

Public Act 79-535, which took effect on January 1, 1980, was based on the study committee's recommendations. The legislation (HB 7878) passed the House by a wide margin after a lengthy debate. Approximately 25 amendments to the bill had been drafted, but less than half were debated. One of the 3 amendments adopted attached a sunset date of July 1, 1983, to the Coastal Management Program. The bill, as amended, passed the Senate with only one dissenting vote.

Besides adding to the findings section and expanding the goals and policies section of the earlier act, P.A. 535 spells out specific procedures for implementing the legislative policies and goals of the Coastal Management Program. It requires municipalities to undertake coastal site plan reviews, and it mandates the commissioner of environmental protection to answer questions for and provide maps and technical assistance to coastal towns.

The act also establishes a voluntary process for the development of municipal coastal programs, and provides for the allocation of coastal management funding. It further defines relevant terms such as coastal resources, facilities and resources in the national interest, adverse impacts on coastal resources, and water dependent uses.

Technical revisions in the Coastal Management Act were approved by the legislature in 1982 (Public Act 250). Among the changes were inclusion of two new definitions, clarification of several existing provisions and authorization for municipalities to extend certain coastal site plan review exemptions.



## Structure

The federal law does not mandate a specific organizational structure for a state coastal management program. However, a state must retain sufficient authority and power to ensure that there will be proper compliance with the provisions and requirements of the law. Connecticut has chosen a mechanism that combines state and local responsibility in a single system. This division of authority is one of the distinctive aspects of the state's program, and Connecticut is the only state in the Northeast to use such an approach.

In Connecticut, the state is responsible for establishing the coastal boundary lines, providing technical assistance and allocating program funding to the coastal towns. The municipalities have authority for reviewing and approving local development activities within the scope of the law's criteria. They must conduct coastal site plan reviews, and they may develop municipal coastal programs.

The commissioner of environmental protection retains the right to become a party to municipal proceedings affecting the coastal boundary and can appeal or participate in the appeal of municipal decisions. If the decision of the local board or commission is upheld in court, however, the state must reimburse the town within three months for all costs incurred in defending the decision.

State responsibility for the coastal management program in Connecticut rests with the commissioner of environmental protection. Departmental employees assigned to the program are located in the Office of Planning and Coordination/Coastal Management. On a day-to-day basis, the number of people performing program tasks is equivalent to 13 full-time staff. More than three-quarters of the staff are federally funded.

Responsibility for the program on the local level is assigned to different types of local officials in the various towns. However, each municipality participating in the program has identified an individual as the primary contact for coastal management issues. Decisions on specific coastal site plan reviews are made by the zoning commission or the combined planning and zoning commission in the particular municipality.

## Budget

Public Act 79-535 included a \$250,000 state appropriation to be used by the Department of Environmental Protection to

assist coastal municipalities in carrying out their responsibilities under the act and to obtain federal matching funds. The towns were eligible for initial \$2,500 grants, which all but two towns accepted.

Since federal approval of the Connecticut Coastal Management Program on September 1980, annual federal grants have been available to the municipalities. Originally, the grants were made by the Department of Environmental Protection based on a statutory formula that took into consideration such factors as: the area, length of shorefront population and development pressures within the town's coastal boundary; the nature of the municipality's coastal resources and coastal-related problems; the capacity and commitment of the town to carry out the purposes of the act; and the number of coastal site plan reviews being conducted. Actual experience with the program during FY 1980-81 made it clear that in some cases the grants were larger than necessary while in other towns additional funding was needed.

Grant awards the past two years have been modified so the funding more closely matches the program needs of the individual municipalities. Grant awards the first year ranged from \$1,250 to \$38,000; in FY 1981-82, the awards ranged from \$2,000 to \$40,000. (See Appendix A for the specific amounts received by each municipality.)

Additional funds have been awarded to some coastal towns to cover special studies. The grants are to be used to refine the municipality's coastal program or to deal with a problem common to several towns. Two towns received special study grant awards in FY 1980-81. The following year more money was available for such grants because of a reduced demand for general grants, so 11 towns received awards.

The state of Connecticut has received federal grants of more than \$1.3 million annually for the past three years. Table II-1 provides a breakdown of the Department of Environmental Protection's budget for these years. The budget year for the coastal program runs from September to September because the federal grants are distributed just before the close of the federal fiscal year.

Table II-1. Department of Environmental Protection Budget--  
Coastal Management Program.

	Sept. 1980 - Sept. 1981	Sept. 1981 - Sept. 1982	Sept. 1982 - Sept. 1983
Personnel	\$407,617	\$406,306	\$499,682
Fringe	116,415	135,706	170,890
Travel	5,700	3,500	4,500
Equipment	17,820	5,000	2,000
Supplies	2,000	2,000	1,000
Contractual <sup>1</sup>	849,000	843,055	526,700
Other	<u>106,903</u>	<u>45,800</u>	<u>44,300</u>
Total Direct Charges	\$1,505,455	\$1,441,367	\$1,249,072
Indirect Charges	<u>137,367</u>	<u>95,076</u>	<u>101,935</u>
TOTAL <sup>2</sup>	\$1,642,822	\$1,536,443	\$1,351,007

<sup>1</sup> More than three-quarters of these funds are given to the coastal municipalities for use in their performance of coastal area management functions.

<sup>2</sup> Between \$312,000 and \$343,000 annually is state money; the remainder is federal support.

Source: Department of Environmental Protection.

## ACTIVITIES

### State-Level Requirements

One of the first tasks a state participating in the coastal management program had to begin was the process of designating its coastal area. The boundary for the primary coastal area had to be defined by a continuous line. On the landward side, state statute required the line to be based on:

- 1) the interior contour elevation of the 100 year frequency coastal flood zone;
- 2) a 1,000 foot linear setback measured from the mean high water mark; or
- 3) a 1,000 foot setback from the inland boundary of tidal wetlands;

whichever of the three was farthest inland. On the seaward side, the boundary was delineated by the seaward extent of the state's jurisdiction.

The secondary tier of the coastal area is the inland boundary of the various coastal municipalities. In the zone between this line and the interior boundary of the primary area only certain major uses, such as power plants and landfill sites, have been identified as having a direct and significant impact on coastal waters. All of these activities already required state permits prior to implementation of the Coastal Management Act.

The commissioner of environmental protection was required to make maps available and hold a public hearing in each coastal town prior to formal adoption of the Connecticut boundary lines. Slight variations in the boundary criteria were allowed in order to accommodate identifiable natural or manmade features in a municipality, provided the area within the boundary was not diminished by the change. In any case, the line had to be sufficiently precise to demonstrate whether specific property holdings were within the coastal area.<sup>1</sup>

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<sup>1</sup> The inland boundary line may be amended by the commissioner after a public hearing in the affected municipality. The commissioner must consider changes if petitioned by a coastal municipality, a person owning property within the boundary or by 25 residents of the town.

During 1979, Department of Environmental Protection staff held eight regional workshops in the coastal area to familiarize municipal officials with the coastal program. The department distributed interim coastal boundary maps, based on various existing local, state and federal maps, to the towns, and, where possible, held joint public hearings on final boundaries. The department also provided the municipalities with coastal resource factor maps for use in the coastal site plan review process.

In Connecticut, another duty of the state was the development of a model municipal coastal program. Under C.G.S. Section 22a-95(e), the commissioner of environmental protection was required to have a document prepared that would contain: 1) model municipal coastal plans and regulations; 2) suggested planning methodologies useful in revising municipal coastal plans; 3) suggested regulatory methods useful in revising municipal coastal regulations to conform to and effectuate the purposes of municipal coastal plans; and 4) suggested criteria and procedures for undertaking municipal coastal site plan reviews. This plan was completed and distributed to the towns in 1979.

Other types of technical assistance provided by the state during the first full year of the coastal program were varied. In addition to answering questions about implementation of the program, Department of Environmental Protection staff reviewed 32 development proposals, including field investigations at 11 project sites. A series of memoranda providing interpretations on program matters of general interest or concern were distributed to all coastal municipalities by the state. As another means of assistance, the state also developed model application forms for use by the towns in obtaining information from developers.

Ongoing statutory responsibilities of the state under the Coastal Management Act include:

- providing coastal municipalities with maps, other information concerning the location and condition of coastal resources and general technical background information on the beneficial and adverse impacts of various types of development on coastal resources;
- responding to requests by coastal municipalities for information and meeting reasonable requests for staff assistance in developing and implementing municipal coastal programs and coastal site plan reviews;

- consulting regularly with officials of coastal municipalities regarding implementation of the program, and periodically holding workshops with municipal officials responsible for making decisions under this law;
- preparing an annual report summarizing activities concerning the development and implementation of the program; and
- equitably allocating any funds received for implementation of the program between coastal-related state programs and municipal coastal programs.

The state may enter into written agreements with federal agencies concerning aspects of certain permit application procedures, such as conducting joint hearings, issuing joint application materials and coordinating the timing and sequence of the issuance of decisions.

Another major component of the Coastal Management Act is the requirement that the commissioner of environmental protection "coordinate the activities of all regulatory programs under his jurisdiction with permitting authority in the coastal area to assure that the administration of such programs is consistent with the goals and policies" (C.G.S. Sec. 22a-98) of the act. Where feasible, this coordination is to include the use of common or combined application forms, the holding of joint hearings on permit applications and the timing or sequencing of permit decisions. The state has begun to make progress in this area, but according to both state and local officials it is an activity that will require more effort in the future.

#### Municipal Duties

Coastal municipalities have one mandatory duty under the law. They must conduct site plan reviews that evaluate the effects of proposed developments in the coastal area. Criteria, goals and policies to be taken into consideration during such reviews are enumerated in the law.

The information an applicant must provide includes: a plan showing the spatial relationship of coastal resources on and contiguous to the site; assessments of the capability of the resources to accommodate the proposed use and the suitability of the project for the proposed site; an evaluation of the potential beneficial and adverse impacts of the project; and a description of proposed methods to mitigate adverse effects on coastal resources (C.G.S. Section 22a-105(c)). As the representative of one coastal town noted at a program review committee public hearing:

Under [this] program, the opportunity is provided to review proposed development in relationship to coastal resources, sound use policies, negative impacts and the need for any mitigative measures. Generally, the information required to initiate and complete this site plan review process is based on information that is readily available, either in the form of mapped information, or studies and plans that are off the shelf. A great deal of unique research by an applicant is generally not required.<sup>2</sup>

Municipal agencies responsible for coastal site plan reviews may impose a filing fee to defray their cost of reviewing and acting upon an application. They have the authority to approve, modify, add conditions or deny an activity proposed in a coastal site plan based on criteria in C.G.S. Section 22a-106. A specific determination must be made on whether the potential adverse impacts of the activity on coastal resources and future water-dependent development activities are acceptable. Exemptions for certain uses (such as minor additions to existing residential dwellings, construction of walks and fences, and the harvesting of crops) are statutorily allowed if a municipality chooses to adopt regulations to that effect.

The coastal towns also have authority to perform two voluntary activities, one of which is a major component of the law. Under P.A. 79-535 a process for the development of municipal coastal programs, which are comprehensive, long-range plans for coastal developmental and conservation, was established. Towns do not have to adopt these programs, but if they do, they must perform specific tasks.

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<sup>2</sup> Clinton Brown, town planner, Town of Waterford, LPR&IC public hearing on Sunset 1983, August 24, 1982, p. 22.

First, a town must revamp its current plan of development for the coastal area. The revision must include written descriptions of: the major short and long-term coastal-related issues and problems within the coastal boundary; the municipal boards, commissions and officials responsible for the coastal program; enforcement procedures; and the continuing methods of involving the public in implementation of the municipal coastal program. A speaker at a Legislative Program Review and Investigations Committee public hearing said:

Through coastal management, individual communities are able to identify and evaluate and then select alternatives to form a municipal plan focused on their shoreline. These plans can be developed without project-specific pressures, which often develop after plans for a particular development project have been proposed. Further, special expertise in fostering shoreline development plans is available to municipalities through the [state] office in Hartford.<sup>3</sup>

If a town does not have an existing plan of development, for the purposes of this program such a plan may be adopted solely for that portion of the town within the coastal boundary.

The next step in the preparation of a municipal coastal program is a revision of the town's zoning ordinances and other land use regulations in order to bring them into conformance with the revised plan of development. Prior to the final adoption of proposed revisions by a municipality, the changes must be submitted to the commissioner of environmental protection for his review and comment. Upon receipt of his comments or 90 days after his receipt of the revisions, the municipal agency with jurisdiction may modify and adopt the revisions in accordance with appropriate statutory requirements regarding the amendment of zoning regulations and ordinances.

The other optional function for coastal municipalities is an ongoing activity. They may submit written testimony and appear as a party to any hearing before the commissioner of environmental protection concerning a permit or license to be issued for an activity within the coastal boundary of their municipality or within certain adjacent areas. The town is also authorized to appeal any decision of the commissioner concerning such permits and licenses.

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<sup>3</sup> Whitney Tilt, executive director, Long Island Sound Task Force, LPR&IC public hearing on Sunset 1983, September 1, 1982, p. 45.

Figure III-1 summarizes the number of municipalities involved in some of the activities of the Coastal Management Program. It includes data on both mandatory and voluntary functions.

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Figure III-1. Coastal Municipality Summary.

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No. of Coastal Municipalities	42
Average No. of Coastal Site Plan Reviews Conducted During FY 1981-82	24 (Ranged from 0 to 109)
No. of Towns Participating in Optional Municipal Coastal Program	32
No. of Towns (10/31/82):	
in Third Year Phase	15
in Second Year Phase	14
in First Year Phase	3
No. of Towns Receiving Funding, FY 1980-81	34
No. of Towns Receiving Funding, FY 1981-82	26
Special Study Grant Awards, FY 1980-81	2
Special Study Grant Awards, FY 1981-82	10 (one joint award)

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## ANALYSIS AND RECOMMENDATIONS

The basic intent of the Connecticut Coastal Management Program is to protect coastal resources by ensuring that coastal area development occurs in a planned, thoughtful manner. A mechanism has been established so the state and the local municipalities work together on meeting the goals and policies of the legislation that set up the program.

Although some activities related to the coastal management program had been underway since the mid-1970's, the act in its entirety did not take effect until January 1980. This meant that the program had only been fully operational for about 2½ years at the time of its review by the Legislative Program Review and Investigations Committee. As a result, the committee was particularly interested in how much progress had been made toward implementation by the state and the coastal towns.

The first phase of the law, which was specified in P.A. 78-152, required preparation of a report on the components of a coastal management program as well as development by an interim study committee of recommendations for legislative action concerning coastal area management. Both of those tasks were completed in 1979 and led to the passage of P.A. 79-535.

That act, which is the legislation that took effect on January 1, 1980, contains specific procedures for coastal municipalities and the state to follow in implementing the legislative policies and goals of coastal area management. It mandates coastal site plan reviews and provides for voluntary municipal coastal programs. The site plan reviews were to be undertaken immediately; development of the municipal coastal programs requires a series of steps over a three-year period.

To date, state staff within the Department of Environmental Protection have performed the functions necessary to establish the coastal area boundary and have been providing on-going technical assistance to the coastal municipalities. All of the towns have been conducting site plan reviews.

Thirty-two towns are currently working on municipal coastal programs. All of those towns were still working on the changes to their plans of development during the sunset review process, although 15 completed that task in September 1982. By the start of 1983 most of the towns will be involved in the process of bringing their zoning laws into conformance with the plans. This activity will not be completed until mid-to-late 1983.

Because of the law's implementation date and the amount of time needed to complete all components of a municipal coastal program, it seems counterproductive to the program review committee to sunset the program in 1983. Additional time is needed to implement the law, let alone determine its workability.

Also considered by the program review committee in deciding whether to recommend continuation of the Coastal Management Act were views about the program expressed by the coastal municipalities and their residents. When the program was originally being debated by the General Assembly in 1978 and 1979, many towns and individuals were worried about the impact of the legislation. There were fears that the state was trying to take over local responsibilities and that excessive burdens would be placed on development projects in coastal area towns. For the most part, those concerns have disappeared.

During the course of the review, committee staff visited 10 of the 42 municipalities that are affected by the program. While several of the towns suggested small changes they would like to see in the statutory provisions of the program,<sup>4</sup> they all felt the law should be continued. Even the representative of one town who was extremely negative about the law initially now supports it. He feels it is beneficial for coastal development projects to take into consideration the policies and goals expressed in the law.

Additional municipal support for the law was received during the public hearing process. Nine towns (including three not visited by staff) submitted testimony in support of the Coastal Management Program. The director of planning for Norwalk said:

...We're pleased with our experience under the act and urge that it be extended. It's a valuable addition to the powers of the coastal municipalities. Site Plan Review when it was initially undertaken in January, February, 1980, did cause some grief. But we've settled down and the property owners and developers have settled down and in the couple of years since, we find that it works, it's really a fairly modest imposition upon developers or

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<sup>4</sup> Some of the reasons mentioned for changing the law were problems specific to only one or two communities. In other instances, the desired activity was already permissible or it was made so by statutory revisions passed during the 1982 legislative session.

citizens and property owners, and pretty well accepted. As a matter of fact, pretty generally accepted. I think I can say that positively.<sup>5</sup>

Seven other municipalities (including five not visited by staff) sent in letters concerning the program. Only one of those towns, Deep River, thought the law did not need to be continued, stating its needs are adequately addressed by the Connecticut River Gateway Commission.

Support for the continuation of the Coastal Management Program was also voiced by citizens from coastal municipalities and representatives of the Connecticut Marine Trades Association, the Long Island Sound Task Force, the Oceanic Society, Preserve the Wetlands, the Sierra Club and several regional planning agencies. As one speaker noted:

...The coastline and the people who live in coastline towns are better protected through this combination of local planning and regulatory programs with statewide objectives and policies. We understand and support the need for strong local involvement and control in the coastal area management program. We believe that the present program insures this. Development is not hindered where it is needed and appropriate.<sup>6</sup>

Consequently, given the timing considerations related to the program that were mentioned previously and the widespread support the legislation has gained as a vehicle for serving the public interest with respect to proper development, preservation and use of land and water resources in the coastal area, *the Legislative Program Review and Investigations Committee recommends continuation of the Connecticut Coastal Management Program.*

#### Short Title

A slight change in the wording of the statutes concerning the Coastal Management Program is also recommended by the program review committee. Currently, under Section 22a-90 of the Connecticut General Statutes, the short title, "The Coastal Management Act," only encompasses Sections 22a-90 through 22a-96, although

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<sup>5</sup> Joseph Tamsky, director of planning, Norwalk, LPR&IC public hearing on Sunset 1983, August 24, 1982, p. 11.

<sup>6</sup> Dana Wright, director, Connecticut Chapter of the Sierra Club, LPR&IC public hearing on Sunset 1983, August 24, 1982, p. 40.

the full chapter includes Sections 22a-90 to 22a-114, inclusive. This discrepancy apparently occurred when the provisions of Public Act 79-535 were added to those of Public Act 78-152 for codification. The proposed change would clarify that Chapter 144 in its entirety is to be known as "The Coastal Management Act."

Accordingly, the Legislative Program Review and Investigations Committee recommends that C.G.S. Section 22a-90 be revised to indicate that the short title, "The Coastal Management Act," applies to Sections 22a-90 through 22a-114.

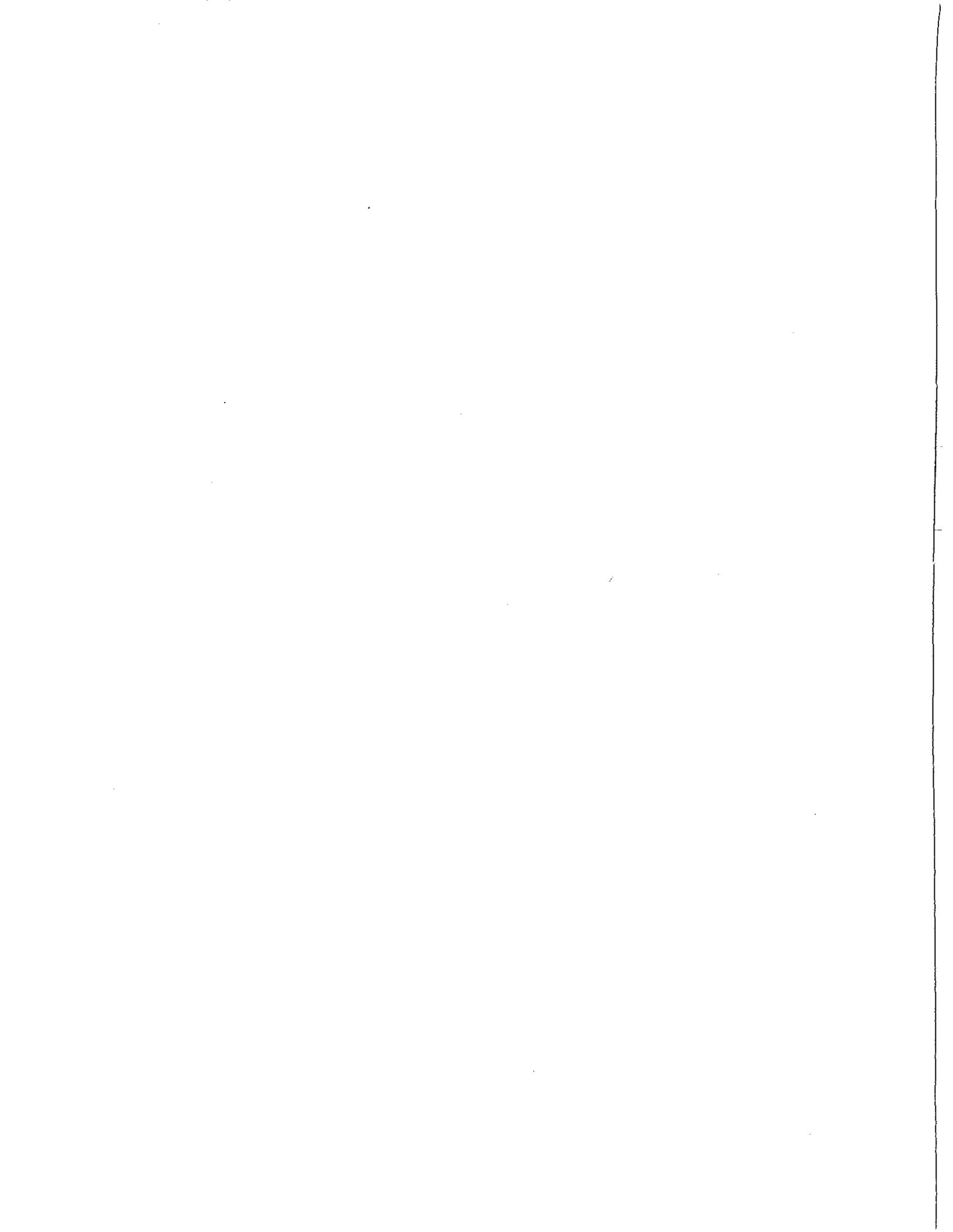
### Property Tax Assessments

During the program review committee public hearings on the Coastal Management Program, several individuals expressed concern about certain local property tax assessment provisions. Generally, property is valued at its highest possible use. In some cases, waterfront property used as marinas or boatyards is zoned for commercial or multi-residential use and, therefore, is assessed at a high value. The result is a high tax bill for the current owner who is using the land for a less profitable purpose.

This problem is not caused by the Coastal Management Act, indeed the act may provide a way to ease the problem. If a coastal municipality participates in the coastal program, the town may revise its zoning areas and place limits on the uses allowed for waterfront property. The property could then be assessed at a lower level. Such changes would not be welcomed by all such property owners, however, since future uses of the land will be more limited and resale value will be decreased.

The Legislative Program Review and Investigations Committee believes there are more direct methods than the sunset process for dealing with this problem, including local adoption of provisions for transfer of development rights (TDR) and legislative changes in the statutes dealing with taxation. Programs allowing local or state purchase of the development rights of waterfront properties and the establishment of tax differential rates are alternatives that have been discussed in the past.

## APPENDICES



APPENDIX A

THE COASTAL MANAGEMENT PROGRAM

STATUTORY REF: C.G.S. Sections 22a-90 through 22a-114

ESTABLISHED: 1978 (P.A. 152)

ORGANIZATIONAL LOCATION: Department of Environmental Protection  
(DEP)

PURPOSE: the establishment of statewide coastal policies to  
guide coastal resource conservation and development

POWERS AND DUTIES:

The commissioner of DEP:

- define coastal area boundaries, using specified criteria, and prepare maps clearly showing the boundaries
- prepare a model municipal coastal program
- provide coastal municipalities with maps, other information concerning the location and condition of coastal resources and general technical background information on the beneficial and adverse impacts of various types of development on coastal resources
- respond to requests by coastal municipalities for information and meet reasonable requests for staff assistance in developing and implementing municipal coastal programs and coastal site plan reviews
- consult regularly with officials of coastal municipalities regarding implementation of the program and periodically hold workshops with municipal officials responsible for making decisions under this law
- may enter into written agreements with federal agencies concerning aspects of certain permit application procedures
- prepare an annual report summarizing activities concerning the development and implementation of the program

- coordinate the activities of all regulatory programs in the department with permitting authority in the coastal area to assure consistency with the goals and policies of this program
- equitably allocate any funds received for implementation of the program between coastal related state programs and municipal coastal programs

Coastal municipalities (as defined in statute):

- may adopt municipal coastal programs, which are comprehensive, long range plans for coastal development and conservation (specific components are outlined in statute)
- shall undertake coastal site plan reviews
- may submit written testimony and appear as a party to any hearing before the commissioner of DEP concerning a permit or license to be issued for an activity within the coastal boundary of their municipality or within certain adjacent areas

BUDGET:

The state budget, excluding indirect charges, is:

	<u>Sept. 1980-Sept. 1981</u>	<u>Sept. 1981-Sept. 1982</u>
Personnel and Fringe	\$ 524,032	\$ 542,012
Travel	5,700	3,500
Equipment	17,820	5,000
Supplies	2,000	2,000
Contractual <sup>1</sup>	849,000	843,055
Other	<u>106,903</u>	<u>45,800</u>
Total	\$1,505,455	\$1,441,367

<sup>1</sup> More than three-quarters of these funds are given to the coastal municipalities for use in their performance of CAM functions.

CONNECTICUT COASTAL MANAGEMENT PROGRAM

MUNICIPAL SUMMARY

MUNICIPALITY	No. of Coastal Site Plan Reviews (CSPR) Conducted: 7/1/81 to 6/30/82	Optional Municipal Coastal Prog. (MCP) Participation	Status of MCP 10/31/82 (If Applicable)	CSPR/MCP		Grant Awards		Special Study Grant Awards	
				80-81	81-82	81-82	80-81	81-82	80-81
Branford	32	Yes	1st Yr.	\$21,500	\$9,000*	-	-	-	-
Bridgeport	58	Yes	2nd Yr.	\$38,000	\$38,000	\$20,000	\$25,000	\$25,000	
Chester	0	Yes	2nd Yr.	\$10,250	\$6,250*	-	\$6,200	\$6,200	
Clinton	29	Yes	2nd Yr.	\$19,000	\$9,000*	-	-	-	
Darien	24	Yes	2nd Yr.	\$21,500	\$19,000*	-	-	-	
Deep River	3	Yes	3rd Yr.	\$10,250	\$4,000*	-	-	-	
East Haven	7	No	-	Not Desired	Not Desired	-	-	-	
East Lyme	1	Yes	3rd Yr.	\$10,000	\$8,000*	-	-	-	
Essex	3	Yes	1st Yr.	\$10,250	0*	-	-	-	
Fairfield	109	Yes	2nd Yr.	\$21,500	\$14,500*	-	-	-	
Greenwich	34	No	-	Not Desired	Not Desired	-	-	-	
Groton (City)	11	Yes	2nd Yr.	\$21,500	\$16,000*	-	-	-	
Groton (Town)	27	Yes	3rd Yr.	\$21,500	\$24,000**	-	-	-	
Groton Long Pt.	4	No	-	Not Desired	Not Desired	-	-	-	
Noank Fire Dist.	7	Yes	3rd Yr.	\$6,250	0*	-	-	-	
Guilford	23	Yes	3rd Yr.	\$27,750	0*	-	-	-	
Hamden	4	No	-	Not Desired	Not Desired	-	-	-	

CONNECTICUT COASTAL MANAGEMENT PROGRAM

MUNICIPAL SUMMARY

MUNICIPALITY	No. of Coastal Site Plan Reviews (CSPR) Conducted: 7/1/81 to 6/30/82	Optional Municipal Coastal Prog. (MCP) Participation	Status of MCP 10/31/82 (If Applicable)	CSPR/MCP		Grant Awards		Special Study Grant Awards	
				80-81	81-82	80-81	81-82	80-81	81-82
Ledyard	5	Yes	3rd Yr.	\$10,250	\$2,000*	-	-	-	\$10,500 (Joint with Preston)
Lyme	3	No	-	\$6,250	0*	-	-	-	-
Madison	32	No	-	Not Desired	Not Desired	-	-	-	-
Milford/Woodmont	90	Yes	2nd Yr.	\$29,000	\$23,000*	-	-	-	\$19,400
Montville	5	Yes	3rd Yr.	\$10,250	\$6,500*	-	-	-	-
New Haven	22	Yes	2nd Yr.	\$38,000	\$40,000**	-	\$10,029	-	-
New London	12	Yes	3rd Yr.	\$27,750	\$6,000*	-	-	-	-
North Haven	2	No	-	Not Desired	Not Desired	-	-	-	-
Norwalk	48	Yes	3rd Yr.	\$38,000	\$40,000**	-	-	-	\$19,800
Norwich	32	Yes	3rd Yr.	\$21,500	\$9,500*	-	-	-	\$18,800
Old Lyme	23	Yes	2nd Yr.	\$21,500	\$12,000*	-	-	-	-
Old Saybrook	59	Yes	2nd Yr.	\$27,750	0*	-	-	-	\$20,000
Br. of Fenwick	0	No	-	Not Desired	Not Desired	-	-	-	-
Orange	0	Yes	2nd Yr.	\$5,250	0*	-	-	-	-
Preston	0	Yes	3rd Yr.	\$1,250	\$2,000**	-	-	-	\$10,500 (Joint with Ledyard)

CONNECTICUT COASTAL MANAGEMENT PROGRAM

MUNICIPAL SUMMARY

MUNICIPALITY	No. of Coastal Site Plan Reviews (CSPR) Conducted: 7/1/81 to 6/30/82	Optional Municipal Coastal Prog. (MCP) Participation	Status of MCP10/31/82 (If Applicable)	CSPR/MCP		Grant Awards		Special Study Grant Awards	
				80-81	81-82	80-81	81-82	80-81	81-82
Shelton	2	Yes	1st Yr.	\$5,250	\$5,250	-	-	-	-
Stonington (Town)	74	Yes	3rd Yr.	\$21,500	\$24,000**	-	-	-	-
Stonington (Borough)	9	Yes	3rd Yr.	\$8,250	0*	-	-	-	-
Stamford	36	Yes	2nd Yr.	\$38,000	\$26,000*	-	-	-	-
Stratford	57	No	-	\$18,750	0	-	-	-	-
Waterford	21	Yes	3rd Yr.	\$21,500	\$18,000*	-	-	-	\$12,500
Westbrook	14	Yes	3rd Yr.	\$19,000	\$19,000	-	-	-	-
West Haven	19	Yes	2nd Yr.	\$27,750	\$27,750	-	-	-	\$20,000
Westport	45	Yes	2nd Yr.	\$21,500	\$24,000**	-	-	-	\$10,000
Total (All Municipalities)	986	32	1st Yr. 3# 2nd Yr. 14 3rd Yr. 15	\$657,500	\$432,750	\$30,029	\$201,200		

\* Lowered grant award due to surplus funds from previous year

\*\* Increased grant award based on need

@ Began MCP in 1982

# Note: Several municipalities listed as 1st Yr. status are working on 2nd Yr. Tasks simultaneously

APPENDIX B

Legislative Changes Needed to Implement the  
Legislative Program Review and Investigations Committee's  
Recommendations

- Amend C.G.S. Section 2c-2 to allow for the continuation of the Coastal Management Program.
- Amend C.G.S. Section 22a-90 to indicate that the short title, "The Coastal Management Act," applies to Sections 22a-90 through 22a-114, inclusive.