

**REPRESENTATIVE POLICY BOARD**

**PUBLIC HEARING**

*(Disposition of Poms Lane, North Branford, Connecticut)*

SEPTEMBER 28, 2023

PUBLIC HEARING TRANSCRIPT

John:

Okay, I'll introduce myself again. My name is John Triana. I'm the real estate manager for the Regional Water Authority, and I'm here to present the second disposition application at the public hearing for the property on Poms Lane. Again, some of this is reiteration from the last time, but I'll repeat it. The disposition of all property for the Regional Water Authority is spelled out. The process is spelled out in section 18 Special Act 77-98 and requires RPB approval for all land dispositions. In this case, no land use plan amendment is needed because this parcel was one of three that was approved by the RPB for disposition in 2011. The specifics for this parcel is also like the last one, part of the larger land unit and B four, which includes Lake Gaillard, this particular one is 19.462 acres. The parcel is unapproved raw land, as was the last one, and also is all Class III land.

This is part of the 2007 initiative. The Land We Need for the Water We Use. Where we will sell Class III land, about 900 acres to hopefully acquire 3000 acres of Class I and Class II land. Next please. The disposition objectives here are to reduce PILOT and maintenance costs. Similarly to the last one, the pilot for this property is pretty minimal, about 60 acres per year, but the maintenance is about \$975 per year, total of about a thousand dollars per year per PILOT and maintenance costs. We minimized future water rate increases attributed to future borrowing needed. We generate funds for watershed purchases, again for The Land We Need for the Water We Use program. To protect any outstanding natural areas and preserve important ecological functions in this case. One thing that's very notable about this parcel, there is a very nice and interesting vernal pool that's on this property.

The preliminary assessment was done also by Beth Evans and completed in May 2022 as part of your disposition application, and she determined that the disposition would've no impact on the public water supply. Next, please. The alternatives are that no action take place, which means that no benefits are realized. It would still keep the PILOT and maintenance costs. The other no action is the sale of the property with the conditions of the 2011 disposition approval, which had a very high asking price in 12 years since that approval was done, there have been no really interested parties in it. It was above the market rate, and though the value has dropped primarily because of market conditions and the change in zoning of the area going from R 40 to R 80 zoning. Third alternative is sale to a private person or organization. If we were to do that, rather than go and sell to the North Branford Land Conservation Trust, we would then have the problems of neighbors with hazardous trees, trespassing, lost dogs, dumping, that kind of thing.

Selling it to the North Branford Land Trust really preserves all the natural resources and all the features that the property has today, including the really interesting vernal pool that I spoke of. And the fourth alternative is sale to the Town of North Branford and the state of Connecticut because they both have rights of first refusal that are enumerated in the enabling legislation that could occur in any event, even after, hopefully we get your approval today, and if they could invoke those rights of first refusal, in which case they could buy it, they would have to buy it for the minimum sale price in the application before you. That minimum sale price is \$317,000. For this parcel, it is based on two independent appraisals and reduced from the 2011 disposition due to the market conditions and the change in

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zoning, which I mentioned before. This is the zoomed out map where you can see the parcels in relation to the rest of North Branford.

The outline of the town is in the black or gray, and the two parcels in question are in red Poms Lane parcel is the one on the northern of the two parcels. Next please. This is more zoomed in, so you can see where a Poms Lane parcel is in relation to the Beech Street parcel. They are very close in proximity and the vernal pool that I'm speaking of is on the far southeastern corner of the red polygon on the north. Next please. Conclusions are, the disposition is consistent with the goals of the Regional Water Authority. It will not impact the environment or the public's water supply and the disposition is in the public interest. I'll take any questions.

Charles:

Any questions on [inaudible 00:05:15]...

Greg:

Are we selling this with any restrictions? For instance, if they wanted to do horseback riding on it... horseback riding?

John:

Could they do horseback riding? I think the answer is yes. There are restrictions. They could not build things on it, apart from a parking lot, which would support the trails if that was the land trust's desire, but they could not build structures as far as recreation goes, passive recreation would be allowed depending on what the Land Trust desires and thinks is most prudent.

Charles:

Any other questions?

Stephen:

Charles, this is Steve. I wanted to ask John, what was the reason for the change in zoning?

John:

That I do not have an answer for. That was done by the town. I don't know why they changed the zoning of this area.

Stephen:

Okay. I assume there's no sewers there, so there would be no septic systems on the property?

John Triana:

That is correct. There was no sewage there. No sewer systems.

Stephen:

I haven't seen this land physically. Is it steep? Relatively?

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John:

It's pretty flat. As I said, for the Beech Street side, there are some wetlands. It's pretty flat, and so during periods of heavy precipitation, water does pond in some areas and the Poms Lane property, this public hearing is a little more sloped from the north to the south going towards the road, but it is fairly flat as you would describe it.

Stephen:

Okay, thank you.

Charles:

Any other questions? [inaudible 00:07:10] want to?

Jeff:

Sure. Good evening. Jeff Donofrio, Office of Consumer Affairs. Again, you all received a memo on this property probably a week ago on September 21st and likewise back in 2011 in connection with the RPB approval of the then application for disposition of three separate parcels including the Poms Lane piece for disposition back in 2011, the RPB approved the sale of the subject property for a minimum sale price of \$682,500. As you heard from the Authority and as is reflected in the appraisals from Steve prior and Mark, they do have the change in the zone as well as a change in the market for this type of property is reflected in the lower appraised value.

So the midpoint of the prior and the new appraisal is 317,000. That's the proposed sales price. Again, as you've heard, the property is entirely Class III land. It's not a water system land. It's not needed for water supply purposes. It is part of The Land We Need for the Water We Use initiative for 2007, which has slated your disposition and the OCA basis of that testimony. My memorandum of September 21st, 2023 and April 29th, 2011 supports the approval of the application. Thank you.

Charles:

Thank you. Any questions for Jeff? [inaudible 00:08:54] Okay. Mr. Sargent, I know you said that your comments covered both pieces of property. Anything you wanted to add or comment on this piece of property?

Dave:

The only thing, they are both extremely similar and they both have a proximity to Lake Gaillard. So this was going to most importantly offer a huge buffer for the Regional Water Authority protection that otherwise is a responsibility of the Water Authority. The Land Trust is probably the only entity, which can actually say that we will hold these things in perpetuity as open space and not develop it.

Charles:

Thank you. Jennifer, do you think that was picked up?

Jennifer:

Yes.

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Charles:

Appreciate it. Thank you. Anyone else from the public who would want to comment or...

Jamie:

I'm Jamie Young Killingworth member of the RPB. I would like to echo Steve Mongillo's comments earlier to the folks from the Land Trust. It is a lot of work to do this and the amount of money that you were able to pull together to do this is impressive. It takes a lot of effort to get grassroots folks together to do that and then especially when working with the state to get funds from them as well. So kudos for the hard work that you have done. You are saving this property for future generations and for the ferry fish or whatever that are in the vernal pool. I'm sure I speak for all of the RPB by thanking you for doing the hard work that it took to acquire the funds to purchase the properties. So thank you.

Charles:

Any other comments from RPB?

Tim Slocum:

I had a question, and it just goes to... I've been involved in the Cheshire Land Trust for many, many years and obviously...

Charles:

Identify yourself for a minute, please.

Tim Slocum:

Yes, of course. Tim Slocum, Cheshire, Connecticut rep to the RPB. Just for the record, I've been a member of the Cheshire Land Trust for well over 40 years on its board for many not currently serving there however, but the efforts of land trust to hold and maintain land are extensive and difficult. Getting volunteers to monitor those properties can also be complicated. And one concern that I think any land trust has is its succession. I mean, we often talk about perpetuity, like there is something that says a land trust lasts forever. So what is the successor organization to the land trusts that are purchasing these properties? Because oftentimes a Nature Conservancy or someone is named and they often can sell off these properties. What exists in this transfer that keeps this a conservation property forever? And if in fact the Land Trust went away, could the property revert back to the Regional Water Authority just as a protector of the property? I mean, are these considerations, not to bollix things up, but are these any considerations that ever come under consideration, or has come under consideration?

John:

I can answer part of it. One part of your question, Tim, will have to be answered by Dave because it speaks to what the bylaws and the Constitution are for the land trust if they were to dissolve. So that's all on their side. However, to answer your question in the specific here is that the Land Trust has already been, the recipient, already been told that they will get a ASML grant from the state. When they do that, when they accept the grant, they will then have to convey a conservation easement back to the state in order to receive the ASML money. At that point, it is locked, the state has the development rights, the

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conservation easement, it cannot be developed. Whatever happens to the land trust at that point. Now these acres are preserved in perpetuity.

Tim Slocum:

Perfect.

John:

Do you have any more...

Tim Slocum:

No, I think that's a terrific answer and solution for any concerns that could have existed. I just wanted to put it out there only because nothing almost seems like it's perpetuity, but at least that's closer.

John:

Mr. Sergeant, do you want to add to that at all? The insurance firm, the land trust.

Dave:

That's always been a question with Land Trust, you hear the word perpetuity, but I can say this, there's no other organization that out of town or a public office or entity that would actually have more enforceable... while it says the Land Trust does. And yes, land trusts could go to the bank, but if it is in the deed and if the land has to same perpetuity. Whoever takes it over would've to abide by the deed. It would be very difficult to change the rules of the deed, especially when the government's involved with an easement.

Tim:

Right. And I know you're absolutely correct given all that, and I appreciate a fulsome explanation that we just received, honestly, and I am a huge supporter of Land Trusts, believe me, they're excellent organizations. Every town and city should have one. Thank you.

Charles:

I think we've got it covered as well as we can for everything that's available to us at this point in time. Okay. Anything else, Tim?

Tim:

No. I think I was muted when I was stating that I appreciated the fulsome answer and also the fact that Land Trusts are obviously tremendous organizations and every town and city should have one, and I know this conservation organization is obviously the best place for this to all be. So thank you.

Charles:

Tim mute your machine though, because we are getting some feedback. Okay.

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Charles:

Thank you. Okay. At this point in time, I'd like to have the exhibits read into the public hearing. Jamie

Jamie:

Exhibit A, applications to the RPB for approval of the dispositions of Beech Street and Poms Lane in North Branford dated June 23rd, 2023, known as the application. Exhibit letter B, Notice of Public Hearings published on August 25th, 2023 in the Connecticut Post and New Haven Register. Exhibit letter C, OCA's memorandum dated September 21st, 2023, regarding the Authority's application for the disposition of Beech Street in North Branford, Connecticut. Exhibit letter D, OCA's memorandum dated September 21st, 2023 regarding the Authority's application for the disposition of Poms Lane in North Branford, Connecticut. Exhibit letter E, public hearing presentation for the Authority's application for the disposition of Beech Street in North Branford, Connecticut dated September 28th, 2023. And letter F, public hearing presentation for the Authority's application for the disposition of Poms Lane in North Branford, Connecticut dated September 28th, 2023.

Charles:

Thank you. Are there any other questions or comments? I don't think there are any other documents to be filed at this point in time, but if something does come up, I'm supposed to set a date. I am going to set a date in 10 days for this evening if there's any further documents and comments regarding this public hearing. If there are no other comments or questions at this point in time, I will declare this public hearing closed. Thank you.