

Representative Policy Board
South Central Connecticut Regional Water District

Application for the disposition of 19.462 acres :
located north of Poms Lane in North Branford : **October 26, 2023**
that is part of Land Unit NB 4 :

Findings of Fact, Conclusions of Law and
Final Decision of the Representative Policy Board

A. The Applicant's Request

On June 23, 2023, the South Central Connecticut Regional Water Authority (“RWA” or “Applicant”), through its Five-Member Authority, submitted an application to the Representative Policy Board (“RPB”) for approval of the disposition of 19.462 acres of unimproved Class III land located north of Poms Lane in North Branford, Connecticut, that is part of Land Unit NB 4 (“Application” or “Subject Land”), for conservation use and conforming to any and all approvals that may be granted by the regulatory agencies of the Town of North Branford. The purchase price shall not be less than \$317,000, as established by two independent appraisers.

In 2011, the RPB approved the disposition of three parcels, including Poms Lane, for a high minimum price. The purpose of the Application is to reduce the minimum purchase price to reflect the current real estate market with the intent to sell it to the North Branford Land Conservation Trust (“NBLCT”) for conservation purposes. The Subject Land is non-water system land and is not needed for water supply purposes.

The disposition of the Subject Land would meet the following objectives:

1. To generate income to further protect the RWA’s public water supply by allowing the RWA to purchase additional water supply watershed land or conservation easements within the RWA’s public water supply watersheds; and
2. To benefit the RWA’s ratepayers by minimizing future water rate increases attributed to future borrowing needed to complete the purchase of additional water supply watershed land or conservation easements; and
3. To protect any outstanding natural areas and preserve important ecological functions.

B. Participants

In addition to the RWA, the district's Office of Consumer Affairs ("OCA") also participated in this proceeding. The OCA is authorized by Section 15 of Special Act No. 77-98, as amended ("Special Act"), to act as the advocate for consumer interests in all matters that may affect water customers in the district.

C. Statutory Standard

Pursuant to the legislation cited in paragraph A above, the RWA is required to obtain approval of a majority of the weighted votes of all of the members of the RPB, excluding vacancies, to sell or otherwise transfer a parcel of real property of twenty acres or less, except in certain circumstances not relevant to this application. Section 18(c) of the Special Act stipulates that the RPB shall not approve such a sale unless it determines, following a public hearing, that the proposed action: (1) conforms to the established standards and policies of the RWA, (2) is not likely to affect the environment adversely, particularly with respect to the purity and adequacy of both present and future water supply, and (3) is in the public interest, giving due consideration, among other factors, to the financial impact of the proposed action on the customers of the RWA and on the municipality in which the real property is located.

D. Notice and Procedures

On March 14, 2020, Governor Lamont issued Executive Order 7B concerning Protection of Public Health and Safety During COVID-19 Pandemic and Response – Further Suspension or Modification of Statues. In accordance with Executive Order 7B, as amended, the RPB was permitted hold the hearing on the Subject Land by conference call, videoconference, or other technology remotely provided and various procedural requirements were met.

On July 27, 2023, the RPB voted unanimously to accept the Application as complete and called a public hearing for Thursday, September 28, 2023 at 7:00 p.m., at North Branford Town Hall Chambers, 909 Foxon Road, North Branford, and via remote access. The RPB designated Charles Havrda (Guilford) to serve as Presiding Member at the public hearing.

As required by Section 10 of the Special Act, the RPB published in the Connecticut Post and the New Haven Register the date, time and place of the public hearing to be held by the RPB to consider the Application. The date of publication was August 25, 2023. A copy of the notice was also filed in the Office of the Clerk of each city and town within the district, with the Office of the Secretary of the State of Connecticut, and on the RWA's website.

As required by Section 18(f) of the Special Act, the RPB submitted the Application, with attached Preliminary Assessment, to various state and local agencies for comment and review.

E. Public Hearing

At the public hearing on September 28, 2023, the Applicant provided sworn testimony from RWA employee, John Triana, the RWA's Real Estate Manager, who provided a presentation of the proposed disposition. Mr. Triana highlighted various aspects of the Application including relevant provisions of the RWA's Special Act 77-98, as amended, background, disposition objectives, preliminary assessment, alternatives, minimum sale price, location, and RWA's policies enumerated in the 2007 initiative, "*The Land We Need for the Water We Use.*"

Members of the RPB asked questions of the Applicant with respect to restrictions, zoning, NBCLT succession considerations.

The OCA found the proposed transaction described in the Application to be consistent with the Land Use Plan and in the public's interest. The OCA recommended approval of the Application, as noted in his memorandum dated September 21, 2023.

Six (6) members of the public attended the public hearing. Mr. Sargent, President of the NBLCT, stated that both the Beech Street and Poms Lane dispositions are similar and reverted to his comments stated at the Beech Street public hearing regarding the NBLCT's interest in preserving the parcel based on support from town and state representatives and citizens. The purchase of the Subject Land would provide revenue for the RWA's program, *The Land We Need for the Water We Use*, and will also preserve and provide open space for wildlife and recreation.

F. Analysis

After considering all of the evidence presented, the RPB believes that the proposed disposition of the Subject Land is in accordance with the RWA's Land Use Plan, would financially benefit the RWA, is in accordance with established standards and policies of the RWA, is not likely to affect the environment adversely and is in the public interest. Further, the RWA stated that the Subject Land is not required for water supply purposes. Finally, the proposed disposition satisfies the legal requirements of Section 18(c) of the Special Act.

G. Conclusion

We, therefore, conclude that the Application for approval of the disposition of 19.462 acres of unimproved Class III land located north of Poms Lane in North Branford, Connecticut that is part of Land Unit NB 4 be approved. Separately stated Findings of Fact and Conclusions of Law are attached hereto as Exhibit A.

Exhibit A
Representative Policy Board
South Central Connecticut Regional Water District

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located north of Poms Lane in North Branford : **October 26, 2023**
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Findings of Fact

1. The RWA, through its five-member Authority, submitted an application on June 23, 2023 to the RPB for approval of the disposition of 19.462 acres of unimproved Class III land located north of Poms Lane in North Branford, Connecticut that is part of Land Unit NB 4 (“Application” or “Subject Land”).
2. The Subject Land was approved for disposition in 2011 with a high minimum price that could not be supported by the real estate market from then to the present day. The Application’s minimum price reflects the market as of 2021 when the most recent appraisals were completed.
3. The Subject Land is Class III land will have no adverse impact on the public water supply, and is not on a watershed or aquifer of an existing or potential future public water supply source.
4. The Subject Land will be sold for conservation use, affording protection of its environmental benefits and will benefit the RWA’s nearby Class I and II land by preventing development of abutting property.
5. Revenue from the sale is anticipated to be not less than \$317,000.
6. Net proceeds of the sale will be used to finance the RWA’s long-range plan to acquire and protect watershed property, thereby ensuring the protection of the public water supply.
7. The Town of North Branford and the State of Connecticut, by law, have priority rights to purchase the Subject Land, with the Town’s right taking precedence.
8. The proposed action is consistent with the RWA policies enumerated in the 2007 initiative “*The Land We Need for the Water We Use,*” with the RWA’s initiative of generating funds to preserve watershed land. It is also consistent with the 2016 Land Use Plan.
9. The OCA recommended approval of the Application.

Conclusions of Law

1. The RWA's application, dated June 23, 2023, for approval of the disposition of 19.462 acres of unimproved Class III land located north of Poms Lane in North Branford, Connecticut that is part of Land Unit NB 4 ("Application"), was filed pursuant to the statutory authority set forth in Section 18 of the Special Act.
2. Notice of the public hearing to consider the Application and to allow interested persons, including water users and property owners within the district to be heard was properly made pursuant to Section 10 of the Special Act.
3. The Application, with attached Preliminary Assessment, was submitted to state and local agencies for comment and review and made available for public inspection pursuant to Section 18(e) of the Special Act.
4. The public hearing took place on September 28, 2023, at North Branford Town Hall Chambers, 909 Foxon Road, North Branford, and via remote access, in accordance with Section 10 of the Special Act, and in accordance with Governor Ned Lamont's Executive Order 7B, dated March 14, 2020, as amended.
5. Based upon the above Findings of Fact, the RPB concludes that the RWA's Application for approval of the disposition of 19.462 acres of unimproved Class III land north of Poms Lane in North Branford, Connecticut that is part of Land Unit NB 4, meets all requirements for approval.