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**State of Connecticut**

HOUSE OF REPRESENTATIVES

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OCT 15 2004CONNECTICUT
SITING COUNCIL
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FINANCE, REVENUE & BONDING COMMITTEE
SELECT COMMITTEE ON CHILDREN
JUDICIARY COMMITTEE

October 12, 2004

Honorable Pamela B. Katz, Chairwoman
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Re: Definition of "Residential"

Dear Ms. Katz:

I was a co-sponsor of the recent legislation that established a presumption of burying power lines underground wherever technically feasible. The Connecticut General assembly was clearly persuaded that protecting the public's health was the most important consideration as we embarked on this essential addition to our electric power grid. I was also involved in negotiations on the final language of the bill when the issue of "residential areas" was discussed. It is my recollection that "residential" language was one of the most controversial parts of the bill. Legislators insisted that the language "residential areas" be part of the final version of the legislation because of our desire to protect *people* and the health of their families. It is becoming increasingly apparent from comments before the Siting Council, that the Applicant is reading the term "residential" much more narrowly than we intended.

First, it was my intention in sponsoring this legislation, to provide for under-grounding of transmission lines within existing rights of ways. This would result in the least impact to surrounding property owners and the environment. This approach would also minimize the risk to children and families as the danger from EMF's, although scientifically inconclusive, could clearly pose a dangerous risk to peoples' health.

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Second, where under-grounding is demonstrably infeasible, the intent of the legislation was that buffer zones are to be implemented where those lines pass residential and other sensitive areas. Due to the health concerns, these buffer zones should not have anyone living within these areas, and should not have any activities taking place within them other than that which is necessary to maintain the lines by the power companies.

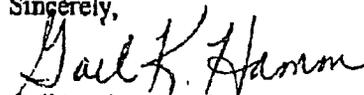
Finally, it was the express intent of this legislator, who represents the portion of Middletown who will be most affected, that the word "residential area" means where people are. The common understanding of the term is that used in municipal zoning law. "Residential area" means those areas designated by local communities' municipal zoning authority as areas in which residential homes are allowed. This is the most obvious definition because it establishes parts of a community where people *will* live.

These "residential areas" include not only those areas where homes are presently built, but also those areas, in which homes may not presently be constructed but where the municipality *plans* to encourage homes to be built. These areas for residential development have been carefully determined through Master Plans of Conservation and Development by each municipality. To interpret "residential area" as only existing homes would mean that overhead power lines that likely endanger public health could be built throughout the state where residential homes are rapidly being built. Such a view is simply not consistent with the express public policy of seeking to protect the public's health. The purpose is to protect *people* from EMF exposure in 2005 and 2006 not just those whose homes exist in 2004.

If you would like me to appear before the Siting Council to discuss this matter in more detail, please do not hesitate to contact me. At a minimum, I request that this letter be entered into the record of your proceedings so that my recollection and legislative intent on the definition of "residential areas" be noted.

I thank you for your kind consideration of this matter.

Sincerely,



Gail K. Hamm

State Representative