

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On March 17, 2016 State Office Building, Hartford, Connecticut

The State Properties Review Board held its regular meeting on March 17, 2016 in the State Office Building.

Members Present: Edwin S. Greenberg, Chairman
Bennett Millstein, Vice Chairman
Bruce Josephy, Secretary
Mark A. Norman
John P. Valengavich

Members Absent: Pasquale A. Pepe

Staff Present: Brian A. Dillon, Director

Chairman Greenberg called the meeting to order.

Mr. Josephy moved and Mr. Norman seconded a motion to enter into Open Session. The motion passed unanimously.

OPEN SESSION

ACCEPTANCE OF MINUTES OF March 10, 2016. Mr. Norman moved and Mr. Valengavich seconded a motion to approve the minutes of March 10, 2016. The motion passed unanimously.

REAL ESTATE- UNFINISHED BUSINESS

REAL ESTATE – NEW BUSINESS

Deputy Commissioner Timothy Sullivan from the Department of Economic and Community Development joined the Board Meeting at 9:40 a.m. The Deputy Commissioner commented that he was in attendance in support of PRB File #16-067. Chairman Greenberg entertained a motion to revise the agenda and begin the meeting with File #16-067. Mr. Valengavich moved and Mr. Norman seconded a motion to move File #16-067 as the first agenda item. The motion passed unanimously.

PRB #	16-067	Transaction/Contract Type:	RE / Conveyance
Origin/Client:	DECD/DOT		
Grantee:	City of New Haven		
Property:	470 James Street, New Haven		
Project Purpose:	Conveyance of property under C.G.S. §32-338		
Item Purpose:	Quitclaim Deed releasing 9.3 acres, with improvements to the City of New Haven for economic development purposes.		

SPRB staff reported that the Department of Economic and Community Development (“DECD”) is requesting SPRB approval pursuant to CGS 32-228 for the transfer of the property located at 470 James Street to the City of New Haven. The property comprises approximately 9.3-acres and is improved with a stand-alone structure

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that was previously utilized by the Department of Transportation (“DOT”) as a bus storage, maintenance and administration facility. In 2010 the DOT relocated this unit to another facility and the site has been vacant since that time.

More recently, the property has been deemed surplus but DOT and subsequently requested by DECD for custody and control with the intention of transferring the property to the City of New Haven pursuant to CGS 32-228. In January 2016, a Transfer of Custody and Control Agreement (“TOCA”) was executed between DECD, DOT and the City of New Haven to outline the terms of the Transfer. The City and DECD have been working with a preferred developer District NHV, LLC for the redevelopment of the site to support Digital Surgeons, LLC a growing digital media company as well as Urbane, LLC for the creation of a “*Media Tech Campus*” to foster other start-up tech businesses with on-site amenities such as a kayak launch, amphitheater and Mill River Access Trail.

DECD is proposing to support the project with a \$5.5-Million Dollar Brownfield Grant to fund abatement, demolition and remediation of hazardous building materials and soils. This funding was approved by the State Bond Commission at its January 2016 Meeting. The grant funding will be managed by DECD and the City of New Haven through the Assistance Agreement, Negative Pledge and TOCA.

Deputy Commissioner Sullivan proceeded to discuss with the Board the process for selecting the preferred developer, the ongoing collaboration with the City of New Haven and benefits of the project.

The MOU has been signed and approved by both DAS Commissioner Currey and OPM Undersecretary Weisselberg. SPRB Staff recommended approval of this item.

PRB # 16-058 **Transaction/Contract Type:** RE / Easement
Origin/Client: DoAG
Grantee: Tennessee Gas Pipeline Company, L.L.C.
Property: Preserved farmland at Hale Street, Suffield, owned by Norman R. Coulter and Arlene R. Coulter
Project Purpose: Amendment to Right of Way and Easement
Item Purpose: Grant increasing width of permanent gas pipeline easement from 30 feet to 65 feet in width; and temporary work area easement for the construction and maintenance of two pipelines and all related equipment across land on which the State owns the development rights.

PRB # 16-059 **Transaction/Contract Type:** RE / Easement
Origin/Client: DoAG
Grantee: Tennessee Gas Pipeline Company, L.L.C.
Property: Preserved farmland on east side of Taintor Street, Suffield, owned by Andrew Fish, Jr.
Project Purpose: Amendment to Right of Way and Easement
Item Purpose: Grant increasing width of permanent gas pipeline easement from 30 feet to 65 feet in width; and temporary work area easement for the construction and maintenance of two pipelines and all related equipment across land on which the State owns the development rights.

SPRB Staff informed the Board that these projects involve the widening of an existing Tennessee Gas Pipeline Company (“Tennessee”) right of way through two farm properties to which the State of Connecticut holds the development rights under CGS §22-26aa et seq., which is the State program for the preservation of agricultural lands.

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On March 11, 2016, The Federal Energy Regulatory Commission (FERC) issued a certificate allowing the pipeline project to proceed (Docket No. CP14-529-000). Tennessee proposes to construct and operate three pipeline loops, totaling 13.42 miles in length, including the Connecticut Loop, an 8.26-mile-long, 24-inch-diameter loop on the 300 Line, which will extend from Compressor Station 261 in Agawam, Massachusetts, to the East Granby Meter Station near Suffield and East Granby, Connecticut.

The Amendments PRB #16-058 & #16-059 allow the construction and maintenance of two gas pipelines, and stipulate that the surface shall be restored to its prior condition, with topsoil being stockpiled during construction and replaced at the conclusion of construction. Thereafter the pipeline easement area may be used for normal farming operations, including tilling, crop production, animal grazing and pasturing. The project is to be conducted in accordance with a FERC Soil and Erosion Control Plan to perform work in a manner that protects the farmland soils, approved by a certified soil scientist of the State's choosing.

The State will receive a total of \$43,947 in payment for permanent and temporary easements granted to widen the right of way through the Coulter Farm where the State is permitting a permanent expansion affecting 1.496 acres of land; and \$9,004 in compensation for the Fish Farm where 0.382 acres formerly unencumbered will now be subject to the gas pipeline right of way.

Staff noted that CGS Section 22-26aa et seq. does not require Board approval for granting an agricultural "amendment to right of way and easement" and that the Board's review of these items was being undertaken as a courtesy to the Commissioner of Agriculture.

In reviewing these item, Staff obtained copies of the existing Tennessee ROW agreements granted by Coulter and Fish and filed in the Suffield Land Records:

- 1951: "Right of Way Agreement" obtained for gas transmission pipeline, temporarily 50 feet wide during construction, reverting to 30 feet wide thereafter.
- 1999 -2000: "Amending Right of Way Agreement" expanding use to include the transmission of data communications (fiber optics).
- 2015: "Amendment to Right of Way and Easement" expanding the ROW as described in Table 2, below, which summarizes the land area for existing and proposed easements.

Staff also reviewed the conveyances of development rights to the State of Connecticut.

The submittal does not describe the Amendments as a release of development rights. However, it could be interpreted that in signing the amendment and accepting compensation for same, the Commissioner is releasing the agricultural conservation restriction with respect to 1.496 acres of the Coulter property and 0.382 acres of the Fish property to allow the development of a gas pipeline.

If development rights are in fact being released to Tennessee, CGS §22-26cc(c) stipulates the procedure for releasing restricted agricultural land from the restrictions put in place through PDR. The statute assumes that the fee simple owners (Fish, Coulter) would be re-purchasing development rights. The steps are:

- The owner must petition the Commissioner for the release, and the Town must concur; or the Town must petition with the owner's concurrence.
- The Commissioner must hold a public hearing and the town must vote to approve the release by referendum held at a regular or special election warned and called for that purpose.

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- If the referendum approves the release, the Commissioner “shall deny such approval unless he determines that the public interest is such that there is an overriding necessity to relinquish control of the development rights.”

In these proposals, not the fee-simple owner of the property but a third party is repurchasing development rights; the property owners are amending an existing Tennessee easement and granting a new easement, and the State of Connecticut is granting a new easement. The easement requires that soil conservation measures be practiced during and after construction, returning the pipeline easement area to substantially the same condition for tillage and cultivation as it was in prior to excavation.

Staff recommended that PRB #16-058 & #16-059 be returned to the Department of Agriculture, without prejudice, because there is no SPRB approval required by State statute, and with a note to the Commissioner that the return is without prejudice in that in that there is no SPRB approval required by State statute when granting an “Amendment to a Right of Way and Easement”. Should this submittal constitute a “Release Development Rights”; the Department of Agriculture will be required to follow the procedures stipulated in CGS §22-26cc(c) and seek SPRB approval prior to delivering the Amendments to the Tennessee Gas Pipeline Company.

OPEN SESSION

ARCHITECT-ENGINEER - UNFINISHED BUSINESS

ARCHITECT-ENGINEER – NEW BUSINESS

OTHER BUSINESS

The Board took the following votes in Open Session.

PRB FILES #16-058 & #16-059 – Mr. Valengavich moved and Mr. Norman seconded a motion to return PRB Files #16-058 & #16-059 to the Department of Agriculture, with a note to the Commissioner that the return is without prejudice in that in that there is no SPRB approval required by State statute when granting an “Amendment to a Right of Way and Easement”. Should this submittal constitute a “Release Development Rights”; the Department of Agriculture will be required to follow the procedures stipulated in CGS §22-26cc(c) and seek SPRB approval prior to delivering the Amendments to the Tennessee Gas Pipeline Company. The motion passed unanimously.

PRB FILE #16-067 – Mr. Norman moved and Mr. Valengavich seconded a motion to approve PRB File #16-067. The motion passed unanimously.

The meeting adjourned.

APPROVED: _____ **Date:** _____

Bruce Josephy, Secretary