



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

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DATE: July 14, 2009

TO: Daniel F. Caruso, Chairman, Connecticut Siting Council
Robert L. Genuario, Secretary, Office of Policy and Management
Joseph F. Marie, Commissioner of Transportation
Amey Marrella, Acting Commissioner of Environmental Protection

FROM: Barbara C. Wagner, Chair

RE: Preserved and Forgotten: DOT Scenic Lands and Their Protection

History

Through the Department of Transportation (DOT), the State of Connecticut purchased roadside lands nearly forty years ago to permanently protect outstanding scenic views.

Most of the lands are woodland strips of varying widths along major highways. The Council does not know their full extent. A 1966 state planning document called for purchasing hundreds of acres along more than 60 miles of highway.¹ Using that document as a guide, Council staff examined DOT maps and found many acres of dedicated scenic lands along several miles of roadside. There are substantial scenic lands along Route 2 in Glastonbury and Route 44 in Norfolk, and Council staff also confirmed state-owned scenic lands in Colchester, Essex, Middletown, Meriden, and Plainville.

The scenic lands lie outside the highway rights-of-way, and were purchased, at least in part, with federal Highway Beautification Act funds. Their acquisition was not part of the original development of the highways; the DOT bought the lands years after the roads were completed. Purchase was authorized by a 1965 state law (1965, Feb. Sp. Sess., P. A. 445) which, following minor amendments in later years, is codified as CGS Section 13a-85a (*Acquisition of land adjacent to state highways for preservation and enhancement of scenic beauty...*).

Current Status

These lands have been largely forgotten. Fortunately, they still are owned by the state – and deed-restricted² to ensure their preservation – and can play a role in protecting our landscape.

While the lands are protected by ownership, lack of knowledge about them threatens the very purpose for which they were bought. For example, a cell tower was proposed and built a few months ago within a very narrow gap in one long scenic strip, diminishing the scenic value of an otherwise beautiful landscape. Evidently, the preserved status of the scenic land that sandwiched the

tower site was unknown to the Connecticut Siting Council, the DOT, the municipality and the local citizens. The land was known to be scenic, but not known to have been preserved.

By taking a few low-cost and no-cost steps, state agencies can bring these taxpayer-purchased lands back to the fore of planning and permitting programs, to the benefit of residents and tourists.

Recommendations

1. The Department of Transportation should identify all preserved scenic lands on a map. Ideally the data would be put in a digital GIS format that all state and municipal agencies could use efficiently. The Department should use the map when evaluating permit applications for:

- utility placement near highways
- encroachment permits
- outdoor advertising permits
- tree-clearing on state rights-of-way pursuant to CGS 13a-140
- cell tower and other telecommunications facilities. The Department of Transportation is one of the agencies that receive copies of Siting Council applications for review and comment.

To minimize any financial burden to the Department, it could require applicants to indicate the presence of scenic lands within a specified distance of the proposed activity.

2. The Department of Transportation should evaluate proposed improvements on sections of road with preserved scenic lands with the same procedures used to evaluate proposed improvements along Scenic Roads designated pursuant to CGS 13b-31c. While most of the highway sections bordered by preserved scenic lands are too wide or too short to qualify for official designation under the Scenic Road program, the Department should treat them in a manner similar to designated Scenic Roads, and should refer proposed improvements to the Scenic Road Advisory Committee for review and advice.

3. The Connecticut Siting Council should:

- require applicants to note prominently the existence of preserved scenic lands, if any, within a two-mile radius of a proposed facility. (The recommended radius of two miles was selected in order to be consistent with the standard viewshed analysis currently included in most applications.) Siting Council staff should have direct access to the DOT maps to check submissions.
- consider the effect of proposed facilities on nearby preserved scenic lands and the benefits those lands provide. When an application notes

the presence of preserved scenic land, the Siting Council should determine if such land, having been selected for preservation by the DOT, is indeed a "relatively undisturbed area that possesses scenic quality of local, regional or statewide significance," as described in CGS 16-50p(b)(1)(C) and thereby merits special consideration under that statute.

4. The Department of Environmental Protection should add the location of preserved scenic lands to its GIS data, and use the information for open space planning and for review of permit applications.

5. The General Assembly should amend CGS 23-8(b) to include preserved scenic lands among the types of land that will count toward Connecticut's goal of conserving 21 percent of the state's landscape.

Notes

1. *Estimate of the Cost of Carrying Out the Provisions of the Highway Beautification Act of 1965 in the State of Connecticut.* Prepared by the Connecticut Highway Department in Cooperation with the Bureau of Public Roads, Department of Commerce in accordance with USC Section 302,23.

2. Maps of preserved scenic lands appear in municipal land records with the notation, "This property is to be purchased under the Federal Beautification Act, **not to be released**" [emphasis added].