

'Rat' Attacks Lake Town



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The scheme didn't get much of a hearing in the wee hours of May 4, when bleary-eyed lawmakers could smell the end of the 2004 session.

Few people at the Capitol thought much about it at all. It was an amendment quietly slipped into an unrelated bill on its way to unanimous approval. It was designed to kill off a shopping center plan in East Hampton that threatened some retailers with eviction.

It was a favor from powerful legislators to state Rep. Gail K. Hamm, who wanted to protect the stores in her district. A "rat," in the jargon of the Capitol. They slipped in a rat.

But talk about unintended consequences. The bill, now Connecticut General Statute 8-2k, prohibits construction of any "structures, accessory structures and other improvements" totaling more than 12,000 square feet, within 2,000 feet of a lake covering more than 500 acres.

That includes Hamm's target, a super-sized Shaw's supermarket proposed for the site of a wood-sided, 30-year-old shopping center in the middle of East Hampton, separated from Lake Pocotopaug by one-third of a mile of houses and trees.

Oh, and it also includes countless parcels on thousands of acres within almost a half-mile of as many as seven of the state's large lakes. In East Hampton alone, it drowns the dreams of entrepreneurs such as Christopher Burt and the expansion plans of a large employer, witch hazel-maker American Distilling & Manufacturing Inc.

This may look like it protects Connecticut's scenic heritage, a nice goal. It's certainly true that we've badly overbuilt shorelines of rivers, lakes and the Sound.

But the "lake law" amounts to a wholesale confiscation of property with zero debate and even less logic. It isn't lawmaking, it's reckless horse-trading for votes. If this were about public policy of the sort we teach our kids, some ambitious legislator would have risen above the stupor of the Capitol's late-night session and raised a fuss.

Instead, we've got after-the-fact handwringing across Connecticut. In East Hampton, where the chaotic Route 66 commercial district dips down toward the lake with its chaotic mix of fast food spots, historic buildings, industry, stores, churches, a cemetery and the town hall — zoning officials have defined improvement broadly, as they should. It could even include landscaping.

The result: Burt, a garrulous real estate broker in town most of his 48 years, saw his deal fall through to sell a Greek revival building — the 1844 David Buell House — to a bank, which planned to open a new branch there. Burt, in turn, never saw the \$400,000 he needed to finish renovating a 1928-vintage gas station into the "Caffeine Station and Creamery," an upscale coffee and ice cream joint.

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"This state legislator created a law to protect half a dozen tenants in a deteriorating mall ... and in doing so, devastated a real estate portfolio," said Burt, one of Hamm's reliable campaign donors before the "lake law" emerged.

Hamm, a Democrat, was not available for comment late last week.

Reservoirs, arguably the most important lakes needing protection, are exempted. So, Danbury wiggled around the law for itself and the four other towns that touch Candlewood Lake by declaring Candlewood a reservoir.

Isn't any lake a reservoir? Who knows? The law doesn't say.

Another session at the Capitol brings an easy solution: Repeal the law. But no. Now that it's carved into the code, it has to be studied, redefined, mapped, publicly heard, debated, compromised, worked out and generally given the respect due to vestiges of our legislative wisdom.

"The purpose of the bill was to protect Rep. Hamm's lake from development," said Rep. Lew Wallace, D-Danbury, co-chairman of the state legislature's planning

and development committee. "The amendment as written didn't appear to be as broad as it did after passage."

That's an admirably candid admission. But there's more.

"We actually don't define what a lake is. So we have kind of a poorly written bill related to an object that we don't define," Wallace said.

Sounds like Wallace would favor repeal. Not necessarily.

"It is broad, and yet there are those who wish to preserve lakes and would say that is wholly appropriate," Wallace said. "Many people will weigh in on it before the legislature acts."

Let's get this straight. By all honest accounts it was an irresponsible favor, yet it takes a bevy of hearings and debates to wipe it out?

Opponents say the law amounts to the state improperly setting municipal zoning laws.

In fact, there are times when that's appropriate, to save towns from their own stupidity. This isn't one of those cases. It's worse. It's the legislature butting its collective nose into a local zoning dispute.

Many people in East Hampton didn't like the proposal for a Shaw's supermarket to replace

the old shopping center, which includes an IGA food market, Thatcher's Drug Store, Diamond Pizza, Hung Won Chinese restaurant, an eye care center and other outlets. The developers, a group from Farmington, bought five houses and two stores along the adjacent North Main Street. Without a doubt, it would change the character of the town, just as the present center did a generation ago. This law, unfettered by science, was the opponents' backdoor solution.

Landmark East Hampton LLC, the Shaw's developer, has sued the town, as have other property owners.

Sen. Eileen Daily, D-Westbrook, a co-backer of the original rat amendment, has pushed a bill that would exempt towns that have an updated plan of development — something East Hampton lacks. Hamm has said she would back repeal of the law after the town finished a development plan. Other lawmakers have sought to exempt their favorite lakes.

This doesn't need tinkering. The folks who engineered this folly ought to swallow their pride, admit they made a mistake and undo their abuse of the public trust.