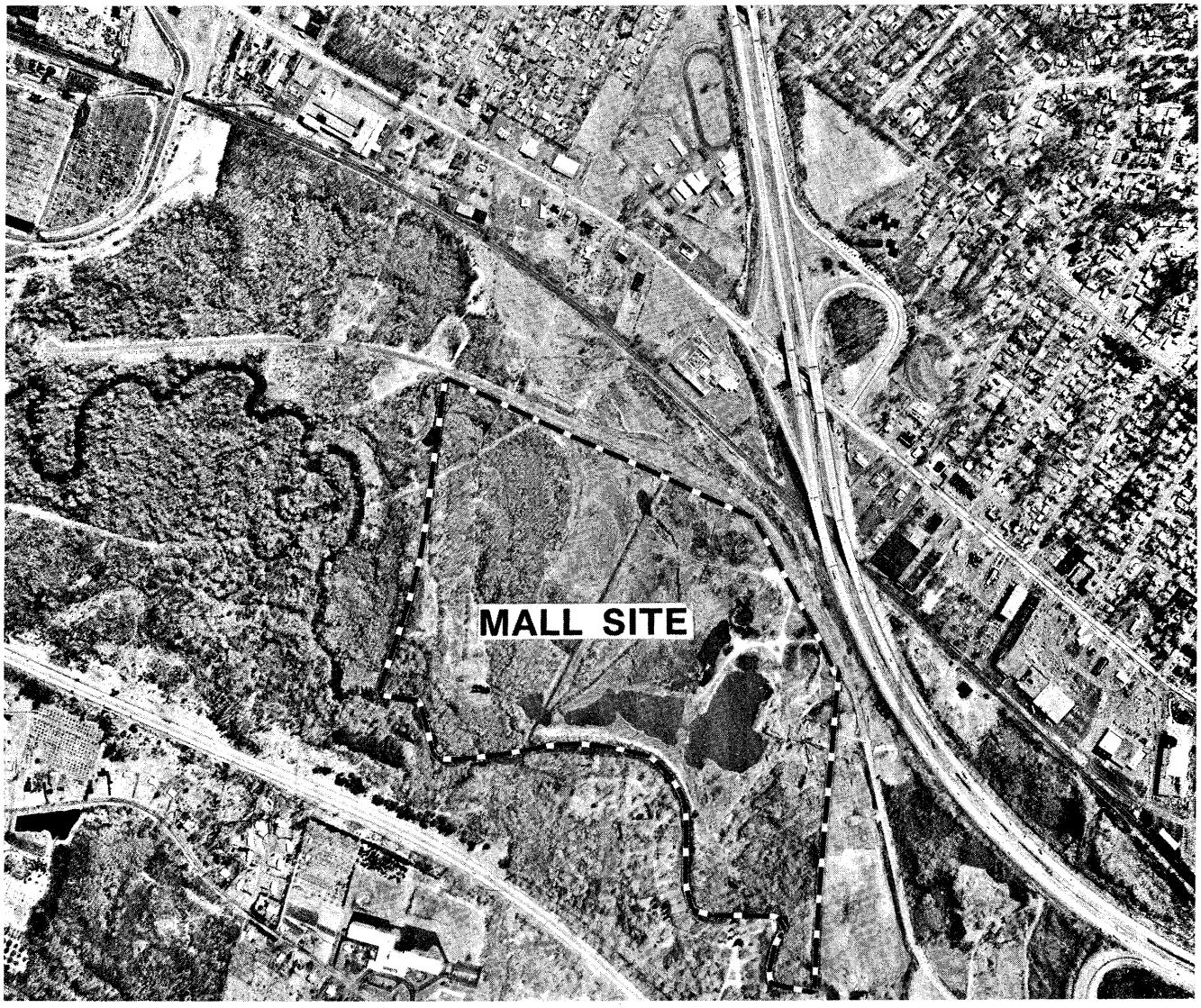
FINAL ENVIRONMENTAL IMPACT STATEMENT

COMMENT LETTERS

Volume 2 Part 1

NORTH HAVEN MALL

NORTH HAVEN, CONNECTICUT



JUNE 1983

US Army Corps of Engineers
New England Division

ORIGINAL COMMENTS

ON

DRAFT ENVIRONMENTAL IMPACT STATEMENT

FOR THE

NORTH HAVEN MALL,

NORTH HAVEN, CONNECTICUT

VOLUME 2 ... PART 1

(1-344)

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY F1
REGION I
J. F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203

March 26, 1982

Colonel C.E. Edgar, III
Division Engineer, New England Division
U.S. Army Corps of Engineers
424 Trapelo Road
Waltham, MA 02254

ATTN: Mr. Robert Adler, NEDPL-IP

RE: D-COE-B91019-CT

Dear Colonel Edgar:

In accordance with Section 309 of the Clean Air Act, the National Environmental Policy Act, and Section 404 of the Clean Water Act, we have completed our review of the Draft Environmental Impact Statement (EIS) and Appendices for the North Haven Mall, in North Haven, Connecticut.

The EIS process was initiated by the COE when the Mall Properties, Inc., New York, NY made an application for a permit under Section 10 of the River and Harbor Act of 1899 and Section 404 of the Clean Water Act, to do work and place fill in backwater areas and wetlands adjacent to the Quinnipiac River at North Haven, Connecticut. The fill is for the development of a proposed regional shopping mall and associated parking areas and access roads. According to the Draft EIS, the proposed mall will contain 1.12 million square feet of retail space occupied by four major department stores and a combination of small specialty shops, restaurants, entertainment services, and recreational facilities. In addition to the mall, a separate theater building is proposed for the northeast corner of the 117.5 acre site, a 16.5 acre detention pond for the southern portion of the site, and a 5,600 car parking lot will be constructed. A buffer zone of woods (in compliance with the requirements set by the Inland Wetlands Commission) will remain along the Quinnipiac River in widths varying from 75 to 300 feet.

The following comments are for your use in preparing the Final EIS.

404 Impacts

According to the EIS, the project as proposed would result in the elimination of 31 acres of wetland. We believe the elimination of 3 to 5 of these acres, a high quality wooded swamp located in

the northeast corner of the site, does not comply with Sections 230.10(a) and 230.10(c) of EPA's 404 Guidelines. As you know, these sections state that no discharge of fill material shall be permitted if it would cause or contribute to significant degradation of waters of the U.S. or there is a practicable alternative which would have a less adverse impact on the aquatic ecosystem. We believe that destruction of the wooded swamp with associated marsh and open water represents a significant adverse impact, and that alternatives exist which, if implemented, would comply with the Guidelines.

By relocating the freestanding theater building and parking presently sited for this portion of the site we believe 38 to 63 percent of the wooded swamp on site can be preserved. We believe the EIS must evaluate the benefits of preserving the wooded swamp, and the impacts of relocating the theater facilities on site as well as at alternative sites in the North Haven area. The incorporation of the theater in the mall, alternate sites on and off the mall property, and the reduction of the mall facility are all viable means of minimizing potential adverse impacts on the aquatic environment.

We note the alternatives section of the EIS explored the feasibility of reduced scale retail activities and alternative project design. Should a three "anchor" store mall be selected, a relocation of the theater and parking facilities to the area labeled "existing wetland" (a 5-acre parcel of isolated shrub-scrub) would be environmentally preferable to the displacement of the higher quality wooded swamp.

The EIS should reflect the fact that the Final 404(b)(1) Guidelines were published on December 24, 1980 superseding the interim final guidelines published on September 5, 1975 and the proposed guidelines published on September 18, 1979 which are both cited on page 13 of Appendix B.

Water Quality Impacts

We are also concerned about the water quality impacts associated with the detention pond. The EIS attempts to dismiss anaerobic conditions, pollutant contribution and eutrophication of the detention pond by stating that the flushing rate will be ".75 times per month (approximately three weeks) during the summer." Actually, the flushing rate is once every 5.3 weeks in summer, not every three weeks. The Final EIS should correct this misinterpretation of the flushing rates, and the water quality section should be reviewed for any changes resulting from this corection. Since the Draft EIS points out that severe oxygen depletion conditions could develop in the detention pond (EIS page IV-7) requiring mitigation, we believe it is appropriate for the EIS to address the need for monitoring the water quality, and should include mitigation plans designed to alleviate low oxygenated

waters or anoxic bottom conditions. In addition, the Final EIS should contain a water quality certificate issued by the State of Connecticut under Section 401 of the Clean Water Act.

Air Quality Analysis

During the scoping process, representatives of the EPA Regional Air Program reviewed the assumptions and methodology to be used in predicting air quality impacts and advised that they represent a reasonable approach to determining the air quality impact. Such methodology and assumptions are expected to yield results which are neither very conservative nor overly optimistic. However, the EIS portrays the results as extremely conservative and the result of the confluence of several highly unlikely conditions. Such a description is inappropriate and should be deleted unless the assumptions have been changed from those discussed during scoping.

We would be pleased to assist in another technical review of the assumptions and in drafting appropriate language to insure that these impacts are accurately set forth in the Final EIS.

Please be advised that due to changes in EPA program requirements, we have not evaluated the proposed action's impacts due to noise and hope that other agencies at the state and local level will provide you with comments on noise issues before this proposed action proceeds.

Thank you for the opportunity to review the Draft EIS. In accordance with our national EIS rating criteria, a copy of which is enclosed, we have rated the North Haven Mall Draft EIS ER-2. If you have any questions relative to our comments, please contact Donald Cooke of my staff at (617) 223-4635.

Please send four (4) copies of the Final EIS when it becomes available.

Sincerely,

Lester A. Sutton

Lester A. Sutton, P.E.
Regional Administrator

Enclosure

cc: Stanley Pac, Commissioner,
CT Dept. of Environmental Protection
James F. Sullivan, Director of Environmental Planning
CT Dept. of Transportation

EXPLANATION OF EPA RATING

Environmental Impact of the Action

LO -- Lack of Objections

EPA has no objections to the proposed action as described in the draft environmental impact statement; or suggests only minor changes in the proposed action.

ER -- Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating federal agency to reassess these aspects.

EU -- Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1 -- Adequate

The draft environmental impact statement sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2 -- Insufficient Information

EPA believes that the draft environmental impact statement does not contain sufficient information to assess fully, the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft environmental impact statement.

Category 3 -- Inadequate

EPA believes that the draft environmental impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonably available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

If a draft environmental impact statement is assigned a Category 3, no rating will be made of the project or action; since a basis does not generally exist on which to make such a determination.

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X 5

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Project Review
15 State Street
Boston, Massachusetts 02109

IN REPLY REFER TO:

March 31, 1982

Division Engineer
New England Division
U.S. Army Corps of Engineers
424 Trapelo Road
Waltham, Massachusetts 02254

Attn: Mr. Robert Adler
NEDPL-IP

Dear Sir:

Your letter of February 1, 1982, requested the Department's comments on the "North Haven Mall Draft Environmental Impact Statement and Section 404(b)(1) Review", for the North Haven Mall Project, North Haven, Connecticut.

The Fish and Wildlife Service has been involved with you in the preparation of this DEIS as a cooperating agency in the area of wildlife and wetlands. Their Habitat Evaluation Procedures (HEP) Report is included as Appendix S of the DEIS. In addition, they provided you with a Fish and Wildlife Coordination Act report dated November 10, 1981 (copy enclosed), which was listed in the Reference Section, pp. VII-1 and 2, but not reproduced or referred to in the body of the DEIS. We recommend you include this report as part of the Final Environmental Impact Statement. The section on Vegetation, Wildlife, and Wetlands in the DEIS discusses existing resources at the site and impacts to be expected from the project. The 404(b)(1) evaluation discusses project impacts on natural resource values at the site, and we have some specific comments on this review, as well as recreational resources and historical and archaeological resources.

Section 404(b)(1) Review

Sec. 230.10(a), pg. 2: We question whether the Applicant has demonstrated that no less damaging alternatives are available. Sec. 4.4, page II-7 of the DEIS states that a three-store mall would represent a 25 percent reduction in the size of the proposed mall. This would translate into a loss of 58 acres of land, rather than 78 acres as proposed. Is it possible to arrange the 58 acres so that less wetland would be eliminated, particularly the more valuable wooded swamp in the northeast corner?

Section 230.10(c), pg. 2: As stated by the Fish and Wildlife Service in their November 10, 1981, report, we also believe that the project will cause significant degradation of the waters of the United States, particularly considering the effects listed in Sec. 230.10(c)(3) and (4). We base this on the fact that the wetlands on the site, which are special aquatic sites, are also part of the "waters of the United States" and must be considered in making findings of compliance and non-compliance in Subpart B. Thus, the discharge of fill material will significantly affect aquatic ecosystem diversity, productivity,

and stability, by eliminating these values. There will also be an adverse effect on existing recreational uses of the site for hunting and target shooting. The proposal to mitigate for these adverse effects by managing seven acres of disturbed upland between the mall site and the Quinnipiac River falls far short of the mitigation needs as presented in Appendix S, even if the only loss needing mitigating is the eight acres of wooded swamp.

Section 230.10(d), pg. 2: It is stated here that the Applicant will take appropriate steps to minimize adverse impacts of the discharge on the aquatic system. However, no steps are listed or discussed, so it is not possible at this time to find the project in compliance with this section.

Subpart C, pg. 4-5: We do not feel that with the addition of road de-icing salts, lead, cadmium, nickel, oil and grease, and with the reduced flushing time and development of anoxic conditions in the bottom waters, the proposed detention pond will provide adequate water quality for a desirable aquatic community. We believe that an aeration system, at the minimum, should be installed if the project is built, to prevent fish kills from occurring during the summer months.

Section 230.54, pg. 8: In addition to the Wharton Brook State Park upstream, the Quinnipiac River State Park lies just across the river from the mall site. Without mitigation, this area would be adversely affected.

Recreational Resources:

The National Park Service strongly encourages the construction of the proposed buffer and berm proposed for the area between the mall and the Quinnipiac State Park (DEIS Section 404(b)(1) Review, Figure 6). The state park was assisted with monies from the Land and Water Conservation Fund (Project #09-00174), a program administered by the National Park Service. This buffer zone should be maintained after construction so the mall does not inhibit the possibilities of future development at the Park site and provide protection from excessive noise and congestion. We request that the developer coordinate with the Connecticut Department of Environmental Protection to achieve the most effective plan for construction and maintenance.

Historical and Archeological Resources:

The potential North Haven Bridge Historic District is, according to the draft statement (Appendix N. P. 21), to be subject to an increase in traffic at Bishop Street. The draft should further address the Connecticut Department of Transportation's proposal to widen Bishop Street in order to more clearly establish the relationship of the two proposals and any applicability of Section 4(f) of the Department of Transportation Act.

We encourage landscaping and grading or land contouring to protect the historic area from disturbance due to the possibility of this increased traffic. The Connecticut State Historic Preservation Officer should be consulted with regard to decisions affecting Bishop Street, and this coordination documented in the final statement.

The draft statement acknowledges the presence of three archeological sites which have potential for placement on the National Register. The final statement should discuss the data recovery program for these sites with the Connecticut Historical Commission and the Advisory Council on Historic Preservation in accordance with the National Historic Preservation Act. This consultation should again be documented in the final statement.

Summary:

Under the provisions of the Fish and Wildlife Coordination Act and the Memorandum of Agreement between the Secretaries of the Interior and Army, the Fish and Wildlife Service report on the pending Section 404 permit application for the project has been submitted. Based on the material contained in the DEIS and the Sec. 404(b)(1) Review, it appears that there are unresolved issues between our agencies dealing with mitigation of habitat losses. We encourage you to continue coordination with the Fish and Wildlife Serivce's Concord, NH, Ecological Services Office to resolve these issues.

Sincerely yours,

William P. Patterson

William P. Patterson
Regional Environmental Officer

GENERAL COUNSEL OF THE
UNITED STATES DEPARTMENT OF COMMERCE
Washington, D.C. 20230

27 Apr 82
R. Aller
F3

APR 1 8 1982

Mr. C. E. Edgar, III
Colonel, Corps of Engineers
Division Engineer
Department of the Army
424 Trapelo Road
Waltham, Massachusetts 02254

Dear Mr. Edgar:

This is in reference to your draft environmental impact statement entitled "North Haven Mall Draft, North Haven, Connecticut." The enclosed comment from the National Oceanic and Atmospheric Administration is forwarded for your consideration.

Thank you for giving us an opportunity to provide this comment, which we hope will be of assistance to you. We would appreciate receiving four copies of the final environmental impact statement.

Sincerely,

William B. Lukens for

Robert T. Miki
Director of Regulatory Policy

Enclosure: Memos from Ruth Rehfus
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

Robert B. Rollins
National Oceanic and Atmospheric Administration
National Ocean Survey

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Services Division
Habitat Protection Branch
7 Pleasant Street
Gloucester, MA 01930

March 26, 1982

TO: PP/EC - Joyce M. Wood

FROM: F/NER54 - Ruth Rehfus

SUBJECT: DEIS #8201.16 -- North Haven Mall, North Haven, Connecticut

The National Marine Fisheries Service has reviewed the subject DEIS and offers the following comments for your consideration:

The 78-acre site of the proposed North Haven Mall contains 41 acres of freshwater habitat, including wooded and shrub swamps, marsh, and open water. The 10-acre open water area consists of four manmade ponds. The DEIS points out that the shallower pond areas serve as spawning habitat for anadromous species, namely herring and alewives. On page 111-4 of the DEIS, in Section 4.0, "Evaluation of Site Wetlands," it is stated that spawning activities of alewives are at "a low level." In Appendix B of the DEIS, "Vegetation, Wildlife and Wetlands," under Section 2.4.2, "Evaluation of Site Wetlands," page 15, it is stated that "Spawning alewives and carp were recorded from the ponds in the central portion of the site; a few fish spawning locations were noted in the shallower areas of the pond . . ." (emphasis added).

The DEIS and its Appendices do not describe the four ponds or their significance as spawning habitat for anadromous species in sufficient detail to permit an evaluation of the project's potential impacts on anadromous species. Pond areas should be further investigated relative to the area available for spawning by anadromous species and the numbers of anadromous fish utilizing these ponds. The FEIS should discuss anadromous fish dependence on this area for spawning and the availability of alternative spawning sites. In addition, since "herring" also use these sites for spawning purposes, detailed information relative to the species involved and their habitat requirements should be provided in the FEIS.

On page 29 of Appendix B, under Section 6.0, "Methods to Minimize Impacts," it is stated that "Potential impacts to anadromous fish species will be mitigated by the proposed outlet structure between the detention pond and the Quinnipiac River. This stucture will allow these species to enter the detention pond and permit the continued use of the pond for spawning." To support these statements, we suggest that the FEIS provide information on the type of habitat that will be available to anadromous fish after project completion and its suitability for spawning herring and

alewives. (Poor water quality, inappropriate bottom substrate, inappropriate water levels, etc, would have an adverse impact on eggs, larvae, and juveniles of these species.) Without such information, an accurate evaluation of potential impacts of the project on anadromous fish species cannot be made.

CLEARANCE

SIGNATURE AND DATE

F/HP:K. Roberts (Acting) 4/2/82

10

Rec'd 27 Apr 82

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SURVEY
Rockville, Md. 20852

February 16, 1982

TO: PP/EC - Joyce M. Wood

FROM: OA/C5 - Robert B. Rollins RBR for

SUBJECT: DEIS 8201.16 - North Haven Mall, North Haven, Connecticut

The subject statement has been reviewed within the areas of the National Ocean Survey's (NOS) responsibility and expertise, and in terms of the impact of the proposed action on NOS activities and projects.

Geodetic control survey monuments may be located in the proposed project area. If there is any planned activity which will disturb or destroy these monuments, NOS requires not less than 90 days' notification in advance of such activity in order to plan for their relocation. NOS recommends that funding for this project includes the cost of any relocation required for NOS monuments. For further information about these monuments, please contact Mr. John Spencer, Director, National Geodetic Information Center (OA/C18) or Mr. Charles Novak, Chief, Network Maintenance Branch (OA/C172), at 6001 Executive Boulevard, Rockville, Maryland 20852.

F4 X 12

Federal Emergency Management Agency

Region I J.W. McCormack Post Office and Court House
Boston, Massachusetts 02109

MAR 2 6 1982

C. E. Edgar, III
Colonel, Corps of Engineers
Division Engineer
New England Division Corps of Engineers
424 Trapelo Road
Waltham, MA 02254

ATTN: Robert Adler NEDPL-IP

Re: NEDOD-R-13-79-561

Dear Colonel Edgar:

This is written in response to a public notice regarding the draft Environmental Impact Statement dated February 1, 1982, for the proposed North Haven Mall in North Haven, Connecticut.

The Federal Emergency Management Agency has been involved with the section 404 permit application for the North Haven Mall as a cooperating federal agency since early in 1981. In response to a request by the Corps of Engineers, we commented in a letter dated April 15, 1982 to Mr. Alan Randall, Acting Chief, Regulatory Branch, on flood related issues contained in environmental reports prepared by the applicant to support the application. Subsequent to a meeting with a representative of the Corps of Engineers, we again commented on flood related issues and further defined our position in a letter dated September 16, 1981 to Mr. Robert Adler, Planning Division. To our knowledge, our comments were not included in the applicants environmental reports which were included as appendicies to the draft Environmental Impact Statement.

We are concerned that our comments have not been adequately addressed in the work published regarding the project to date. For this reason we will restate the main concerns that the Federal Emergency Management Agency continues to have with this environmental impact statement for the North Haven Mall.

As we have stated on our letters, FEMA has no major objection to the computational techniques used or the results provided by the applicant in the draft Environmental Impact Statement to address the effects of the project itself on flooding, related to both reduction of conveyance and the effects of loss of valley flood storage volume.

The draft Environmental Impact Statement also discusses the cumulative impacts of loss of storage and analyzes sections of the watershed in an attempt to show that the Quinnipiac River Watershed is a system that is not particularly sensitive to reduction of valley storage. Based on the data available in the impact analysis we feel the conclusion, that the cumulative effect of reduction of flood plain storage resulting from this project together with all other future developments placed in the Quinnipiac River Watershed will have no significant negitive impact

on flooding, can not be drawn. It remains the position of FEMA that reduction of flood plain storage volume should be avoided where possible. Even if an individual project can be shown to have no measurable impact on flooding, the cumulative impact of reduction of storage may likely increase flood peak discharges and flood levels throughout the river basin.

This position leads us to the conclusion that the draft Environmental Impact Statement should examine alternative project plans that would significantly reduce the flood plain fill. We do not feel that this issue has been satisfactorily addressed to date. Some alternatives that result in less significant reductions of flood plain storage should be examined along with an examination of the possible inclusion of compensatory storage provided from nearby upland areas.

Thank you very much for your continued cooperation with regard to this matter. If you have any further questions regarding this letter, please contact Mr. Robert Sonnichsen or Mr. Kevin Merli at (617) 223-2616.

Sincerely yours,

Kevin M. Merli

Edward A. Thomas
Acting Chief
Natural & Technological Hazards Division

F 5

14

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
HARTFORD AREA OFFICE
ONE HARTFORD SQUARE WEST
FIRST FLOOR
HARTFORD, CONNECTICUT 06106

REGION I

MAR 25 1982

Division Engineer
New England Division
U. S. Army Corps of Engineers
ATTN: Mr. Robert Adler, NEDPL-IP
424 Trapelo Road
Waltham, MA 02254

Dear Sir:

We have completed our review of the "North Haven Mall Draft Environmental Impact Statement and Section 404 (b)(1) Review."

During the preparation of the DEIS, HUD participated in the development of the Community Impact Study (CIS) under the former Community Conservation Guidelines Policy. It is included as Appendix R of the Statement. We feel the Corps has considered and taken into account the CIS specific findings and conclusions.

We have no additional comments to add.

Sincerely,

John W. McLean

John W. McLean
Area Manager, 1.2S

cc: David Prescott, Regional Environmental Officer, 1S

Robert Duckworth, C

F6

15

United States
Department of
Agriculture

Soil
Conservation
Service

Mansfield Professional Park
Storrs, Connecticut 06268

March 26, 1982

Division Engineer
NED, Corps of Engineers
Attn: Mr. Robert Adler, NEDPL-IP
424 Trapelo Road
Waltham, MA 02254

Dear Mr. Adler:

We have reviewed the erosion and sediment control plan for the proposed North Haven Mall, and other information contained in the draft Environmental Impact Statement and appendixes. For the most part, the draft Environmental Impact Statement and the erosion and sediment control phase depict the effects of the proposed mall on the environment and how adverse effects will be mitigated.

The erosion and sediment control plan should be coordinated between the Corps of Engineers, the Soil Conservation Service, and the New Haven County Soil and Water Conservation District. This coordination should result in a plan which will not only describe the necessary erosion and sediment control measure, but would show locations on the site plans and describe by detail what is to be used, including standards and specifications. A plan should also be drawn up describing the vegetative measures to be used. This would include seeding mixtures, lime and fertilizer recommendations, and seeding dates.

Since fill material is to be purchased off site, an erosion and sediment control plan should be drawn up for the borrow area. This should include the same types of information as contained in the plans for the mall site.

Overall, if these conservation and engineering measures are worked out with all agencies concerned and properly implemented, there should be no serious sediment and erosion problems as a result of this proposal.

Sincerely,

Philip H. Christensen
State Conservationist

F7

16

U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
(REGION ONE — CONNECTICUT DIVISION)
1 Hartford Square West — South Building
Hartford, Connecticut 06106

April 1, 1982

IN REPLY REFER TO: HFO-CT

Division Engineer
New England Division
U.S. Corps of Engineers
424 Trapelo Road
Waltham, MA 02254

ATTENTION: Robert Adler (NEDPL IP)

Dear Mr. Adler:

We have completed our review of Appendix H "Transportation" which is part of your Draft Environmental Impact Statement (DEIS) for the North Haven Mall in North Haven, CT. We limited our review to the traffic impacts expected to occur to state and local roads on the Federal-aid highways in the vicinity.

The "level of service" criterion was used to assess the significance of the changes. To accomplish this review, we compared the DEIS with the Environmental Assessment which ConnDOT prepared for the proposed improvements to Bishop Street. We found a good correlation between the two documents and conclude that the construction of the Mall will not have a significant adverse impact on proposed Federal-aid highway projects in the area.

We suggest that the wording in the second sentence, last paragraph, Page 26 be revised to clarify that the "fifth lane" is a turning roadway to allow westbound traffic on Bishop Street to turn into the northbound lanes on the Hartford Turnpike and is an auxiliary lane for turning movements, not a fifth lane throughout the project.

Thank you for the opportunity to comment on your Draft Environmental Impact Statement.

Sincerely,

James J. Barakos
Division Administrator

55 25

STATE OF CONNECTICUT

DEPARTMENT OF HEALTH SERVICES

OFFICE OF COMMISSIONER

March 15, 1982

To: U.S. Army Corps of Engineers

From: Dennis F. Kerrigan, Deputy Commissioner

Subject: Draft/Final Environmental Impact Statement #394 North Haven Mall Project

The Department of Health Services is concerned about the addition of new sources of air pollution in this area. Therefore, the Department asks that information be presented to show that the North Haven Mall will not add to the current air pollutant levels.

If you have any questions about the Department's concern, please contact Alan J. Siniscalchi, M.P.H., in the Toxic Hazards Section. His telephone number is (203) 566-8166.

DFK:mlj

cc: Alan J. Siniscalchi, M.P.H.
Ed Dooling, State Clearinghouse

Telephone
79 Elm St. Hartford, Ct. 06115
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X 17

WILLIAM A. O'NEILL
GOVERNOR

STATE OF CONNECTICUT
EXECUTIVE CHAMBERS
HARTFORD

March 9, 1982

C. E. Edgar, III
Colonel, Corps of Engineers
Division Engineer
Department of the Army
424 Trapelo Road
Waltham, Massachusetts 02254

Dear Colonel Edgar:

Thank you for your letter of January 29 advising me of your issuance of the document entitled "North Haven Mall Draft Environmental Impact Statement and Section 404(b)(1) Review" and indicating a 45 day period for public review and comment.

I am aware that approximately 10 state agencies have either received the report or been advised of its availability. Those agencies will review the material as they see fit in light of their particular areas of responsibility and expertise.

I appreciate your advising me on this important matter.

Sincerely,

WILLIAM A. O'NEILL
Governor

Interim No response issued
17 March 82
Copy to PAO & Exec

18

S2

STATE OF CONNECTICUT
SENATE
STATE CAPITOL
HARTFORD 06115

SENATOR PHILIP S. ROBERTSON
ASSISTANT MINORITY LEADER
THIRTY-FOURTH DISTRICT

671 CORNWALL AVENUE
CHESHIRE, CONNECTICUT 06410
TELEPHONE
CAPITOL: 566-8600
TOLL FREE: 1-800-842-1421
RES.: 272-2651

RANKING MEMBER
APPROPRIATIONS COMMITTEE
INSURANCE AND REAL ESTATE COMMITTEE
MEMBER
FINANCE, REVENUE AND BONDING COMMITTEE

March 10, 1982

Col. C.E. Edgar, III
U.S. Army Corps of Engineers
424 Trapelo Road
Waltham, Massachusetts 02254

Dear Colonel Edgar:

I am writing to you at the request of North Haven C.A.R.E.S., a local citizens group. I urge the Army Corps to issue the necessary permits so that work may go forward on the North Haven Mall. It seems clear from the draft environmental impact statement that the environment will not be seriously affected by the construction of the Mall. It is also clear that the region needs this kind of retail shopping, that the over-all economic benefits to the region and its citizens are substantial, and that the Mall should be developed now in order to provide the additional jobs to the area and tax benefits to the town and to the state.

Sincerely,

Philip S. Robertson

Philip S. Robertson
Senator

PSR:jmd

S 3 19 X

STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT

COMPREHENSIVE PLANNING DIVISION

March 29, 1982

Division Engineer
New England Division
U.S. Corps of Engineers
424 Trapelo Road
Waltham, Massachusetts 02254

(Attention: Mr. Robert Adler, NEDPL - IP)

Dear Mr. Adler:

This office appreciates the opportunity to review and comment on the Draft Environmental Impact Statement for the North Haven Mall. Our review has been made against policies and/or plans proposed or used by this office. Central to the concerns of this office in reviewing the document is the potential economic impact of mall development on the City of New Haven and on existing retail establishments with the related public infrastructure investment throughout existing urban areas of the region. These potential impacts are discussed at length in the initial volume, Appendix L (Economics and Land use) and in Appendix R (Community Impact Study). The primary basis for concern is Executive Order #20 issued by Governor Ella Grasso on March 9, 1978 . Our Executive Order defines the priority urban goals of Connecticut the first of which is: "Revitalize the economic base of our urban areas by rebuilding older commercial and industrial areas, and encouraging new enterprises to locate in the central cities in order to protect existing jobs, and create new job opportunities needed to provide meaningful economic opportunity for our inner city residents."

The EIS indicates that New Haven will lose in the range of 8.5% to 27% of its retail business by 1990 depending on which market study and scenario of mall construction and New Haven development are considered (see volume I, pgs. IV - 22, 23, and 36). This effect on New Haven's economy is contrary to the urban goal quoted above as related to revitalizing the economic base of urban areas. A loss of business of this magnitude would be substantial to a city which lost retail business at an average rate of 3.1% annually for the period 1972-77 (see volume I, pg. III - 18).

Executive Order #20 goal number one is further contravened when one considers the potential loss of employment opportunities which are presently available to inner city residents of New Haven in retail

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trade. Loss of employment would effect the lowest skill and wage groups residing in New Haven who would be unlikely to find employment at the new mall because of transportation problems. (see appendix R, pg. 63). Furthermore the statement is made that "there is the potential, however, that a significant proportion in the reduction of jobs in other areas (600-750) as a result of the mall's impact may affect minority workers from the downtown New Haven area." (see volume I, pg. IV - 26).

It is also noted that the Planning and Development Committee of the Connecticut General Assembly has recommended by resolution that the General Assembly adopt the 1982-85 revision of the Conservation and Development Policies Plan prepared in this office. If adopted by the legislature, the plan would be the effective state policies plan for the period 1982-85. Wording in the revised plan concerning shopping centers reads in part as follows: "New centers should be restrained where population and retail sales growth do not justify them and where the retail market potential is adequately served by existing centers of nearly identical variety and scale of stores which would suffer major economic harm."

Because of apparent inconsistencies in the EIS, this office is not fully convinced that the proposed mall would fill a retail void related to variety and scale of stores. Whereas page 19 of Appendix L indicates that the mall would fill this void, page 7 of Appendix R contradicts this statement of need by asserting that "since all the principal tenants in the new mall are already represented within the region there is little likelihood that the facility will add to the price range and variety of merchandise available to the area's consumers."

Further, population and sales growth may not justify a mall in excess of one million sq. ft. It is estimated by the Office of Policy and Management that growth in population for the market towns will increase approximately three percent between 1980-90 and income is expected to rise 0-1% per the EIS. On the other hand, the EIS projects that retail trade would increase with the mall by 21% - 23% of the 1977 total. This would appear to be an unrealistic expectation in light of the small population and income growth rate projections and also considering that retail sales actually dropped in the region between 1972 and 1977.

The EIS indicates that all extant retail business will suffer varying degrees of economic loss, e.g., Hamden's Magic Mile 8.3% - 9.5%, New Haven 8.5% - 27% and the balance of the metropolitan area 6.5% - 7.0%. This situation is emphasized in Appendix R, page 56 which states that "it is clear that an addition of a million square feet of competitive new shopping center space (amounting, perhaps to 750,000 square feet of selling area) will direct sales from existing retailers in the trade area. The effect will be to hurt other retail developments throughout the entire region." Given the above information, the emerging policy quoted above from the pending revision of the Conservation and Development Policies Plan would be violated with the negative economic impacts projected for existing shopping areas.

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An additional concern of this office regards the classification of this site in the Conservation and Development Policies Plan Locational Map. The site is shown in the 1979-82 Conservation and Development Policies Plan map mainly in the Urban Growth classification and some Conservation classification. While the Urban Growth classification is viewed as accommodating a variety of uses, it is not as high a priority for state development actions as are the Urban Center and Urban Conservation categories. The Conservation classification is due to the presence of wetlands. With regard to the pending 1982-85 plan map revision, over half of the site is proposed to be placed in the Conservation classification. This classification carries no state development priority in the plan. The change is the result of updated flood boundary and floodway information prepared by the Federal Emergency Management Agency effective September 17, 1980 which indicated a substantial flood fringe area on the proposed site. The flood related area was added to the earlier Conservation category which had resulted from wetlands on the site. The plan does provide specific area guidelines for state or state-supported projects in flood fringe ares which are stated as follows. I hope that the corps also will consider them relative to this project:

"Flood fringe development would be planned or supported only when:

a. adequate civil preparedness (forecasting, notification, evacuation, sheltering) will insure protection of life and continuance of essential services.

b. such will not be of scale or use as would severely disrupt or burden the economy during flood periods.

c. such will not necessitate future public expenditures for flood control facilities other than those environmentally acceptable local structures which can be incorporated in the project design or financed through benefit assessments to the identified flood fringe users.

d. adequate flood insurance protection can be obtained.

e. in full compliance with building, excavation and other flood plan management regulations."

In light of the above demonstrated inconsistencies with the state's urban policy as related to Executive Order #20 and pending policy in the Conservation and Development Policies Plan revision, the Corps is requested to withdraw reference to the state from Page IV - 28 of Volume I its assertion that "it's development is in conformance with, or does not contravene, any... state land use policies or plans."

I urge that the Corps of Engineers consider federal urban policies to determine whether issuance of the pertinent permit would be a violation of those policies. This office finds that development of the mall would not be consistent with the urban policies of the state, and therefore, I recommend that the 404 permit be denied the developers.

Should you have any comments, please contact me at 566-4298.

Best regards,

Stephen B. Heintz
Under Secretary
Comprehensive Planning Division

SBH/dch

54 X23

State of Connecticut

Department of Environmental Protection

State Office Building Hartford, Connecticut 06115

Stanley J. Pac
Commissioner

March 30, 1982

Mr. Robert Adler
Division Engineer
New England Division
U. S. Army Corps of Engineers
424 Trapelo Road
Waltham, Massachusetts 02254

Dear Mr. Adler:

The Department of Environmental Protection has reviewed the Draft Environmental Impact Statement prepared for a proposed shopping mall in North Haven which is the subject of a Section 404 permit application to the Army Corps of Engineers by Mall Properties, Inc. Although the DEIS documents the full spectrum of impacts resulting from construction of the mall, including economic and social as well as environmental effects, DEP's commentary will be limited to the environmental impacts. However, it should be noted that the social and economic impacts of the mall appear to be more significant than any impact to the natural environment.

Regarding environmental effects of mall construction, it appears that no major adverse impacts will occur. The DEIS adequately describes the resultant impacts to the environment including air and noise pollution, water quality effects, loss of wetlands and changes in habitat. However, one aspect of the proposed design is puzzling. One design criteria for the stormwater detention pond was to maintain free passage for anadromous fish to allow use of the pond for spawning. Satisfying this design criteria, however, has compromised the capacity of the detention pond to attenuate peak discharges during frequent storm events. The pond's water quality and substrate characteristics that will be altered through sedimentation will make it marginally acceptable spawning habitat for alewives, the only anadromous species likely to breed in the pond. This slight gain in habitat value does not appear to completely balance the loss of stormwater retention. Present downstream flodding problems and the effect of the small increase in peak flows during frequent storms should be more fully investigated before this option is pursued.

The project will require two authorizations from DEP: a discharge permit from the Water Compliance Unit for the sanitary discharge to the sewage system and stormwater runoff pursuant to section 25-54i of the Connecticut General Statutes and a Water Quality Certification form the Water Resources Unit pursuant to section 401 of the Clean Water Act. These two applications will be processed

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concurrently. Preliminary analysis indicates that the project will have no significant impact upon water quality in the lower Quinnipiac River. For further information regarding these two authorizations, contact Richard Mason of the Water Compliance Unit and Denis Cunningham of the Water Resources Unit.

Thank you.

Sincerely,

Stanley J. Pac

Stanley J. Pac
Commissioner

SJP/DF/mic

cc Ben Warner, DEP
Robert Moore, DEP
Ed Dooling, OPM

56 26

STATE OF CONNECTICUT

DEPARTMENT OF AGRICULTURE — AQUACULTURE DIVISION

~~XXXXXXXXXXXXXX~~ • MILFORD, CONNECTICUT 06460

P.O. Box 97 TELEPHONE 874-0696

March 26, 1982

Division Engineer
New England Division
U.S. Army Corps of Engineers
424 Trapelo Road
Waltham, Massachusetts 02154

Attn: Mr. Robert Adler, NEDPL-IP

Re: NEDPL-I North Haven Mall Draft
Environmental Impact Statement

Gentlemen:

The primary concern of the Aquaculture Division in review of the North Haven Mall proposal, is the possible deleterious effect of siltation on valuable commercial shellfish seed beds downstream of the proposed site in the Quinnipiac River. Oyster larvae and juvenile oysters are extremely susceptible to suffocation and an increase in suspended silt could potentially destroy the productivity of the Quinnipiac's 80 acres of shellfish beds.

To lessen the impact of an increased sediment load in the river, we ask that all possible precautions be taken to prevent uncontrolled runoff from the construction site through stabilization methods and that serious consideration be given to the preservation of a wetland border between the proposed site and the Quinnipiac River.

The most critical period in the shellfish life cycle is the spawning season from approximately June 1st through September 30th. We therefore request that any construction activity in the Quinnipiac River watershed area be curtailed for that period.

Respectfully yours,

John H. Volk
Division Chief

JHV:p

S7 27

Office of the
STATE
HISTORIC
PRESERVATION
OFFICER
for Connecticut

59 SOUTH PROSPECT STREET - HARTFORD, CONNECTICUT 06106 - TEL: (203) 566-3005

March 22, 1982

Mr. C. E. Edgar, III
Colonel, Corps of Engineers
Division Engineer
Department of the Army
New England Division
Waltham, MA 02254

Subject: North Haven Mall Draft Environmental Impact Statement and Section 404 (b) (1) Review, North Haven, CT

Dear Mr. Edgar:

The State Historic Preservation Office has reviewed the above-named project for which the Corps of Engineers, under its permit authority, is the responsible federal agency. This Office notes that three prehistoric archaeological sites, T7-2, T24-1, and MD-1, have been determined to be eligible for the National Register of Historic Places by the Secretary of the Interior.

This Office understands that the proposed mall development will necessitate the destruction of these three significant archaeological resources in that no feasible or prudent alternative is available for their in situ preservation. Therefore, the State Historic Preservation Office believes that this undertaking will have an effect upon these archaeological resources.

This Office believes that the development of this project will have no adverse effect upon these resources if the following conditions are acceptable to the Corps of Engineers:

1. The Corps of Engineers should develop a professional archaeological data recovery program in accordance with 36 CFR 66 and "Treatment of Archaeological Properties: A Handbook" (Advisory Council on Historic Preservation 1980);

2. The Corps of Engineers should provide the State Historic Preservation Office and the Advisory Council with an opportunity to review and approve the proposed data recovery plan prior to its field implementation;

3. The Corps of Engineers should provide this Office with two copies of the final archaeological data recovery report for this project; and

MAR 30 1982

STATE HISTORIC PRESERVATION OFFICER: The person responsible for implementation in Connecticut of the National Historic Preservation Act of 1966 administered by the Department of the Interior, Heritage Conservation and Recreation Service, Washington, D.C.
AN EQUAL OPPORTUNITY EMPLOYER/AFFIRMATIVE ACTION AGENCY

4. The Corps of Engineers should consider the feasibility for the development of two distinct final reports for the data recovery program, i.e. one for the professional scientific archaeological community and another for the general public.

The State Historic Preservation Office commends the Corps of Engineers on their concern for the professional treatment for these significant archaeological resources.

For further information please contact Mr. David A. Poirier, Archaeologist.

Sincerely,

Clark J. Strickland
Deputy State Historic Preservation Officer

DAP:sls

cc: Ron Anzalone, Advisory Council on Historic Preservation
J. William Morris

L1 27

TOWN OF NORTH HAVEN

MEMORIAL TOWN HALL / 18 CHURCH STREET, NORTH HAVEN, CONN. 06473 / (203) 239-5321

FIRST SELECTMAN
WALTER J. GAWRYCH

SELECTMEN
CONSTANCE O. DAYTON
WILLIAM J. BAUGH

February 17, 1982

Colonel C. E. Edgar III
Division Director
New England Division
Corps of Engineers
424 Trapelo Road
Waltham, Massachusetts, 02254

Dear Colonel Edgar:

I have received and reviewed the North Haven Mall Draft Environmental Impact Statement that you sent to my office on February 1st. Please accept this letter as an expression of my support for the Statement's conclusions.

I believe the Draft Environmental Impact Statement is a thorough and evenhanded analysis of the Mall's effect on North Haven and our region. The research was obviously quite exhaustive, and the conclusions drawn were reasonable and intelligent.

I concur with the Corps' preliminary approval of the developer's request for a section 404 permit. This finding is fully supported by the facts and very much in the best interests of North Haven and our region.

Sincerely yours,

Walter J. Gawrych

Walter J. Gawrych
First Selectman

WJG/raw

L2 50

TOWN OF NORTH HAVEN

MEMORIAL TOWN HALL / 18 CHURCH STREET, NORTH HAVEN, CONN. 06473 / (203) 239-5321

FIRST SELECTMAN
WALTER J. GAWRYCH

SELECTMEN
CONSTANCE O. DAYTON
WILLIAM J. BAUGH

March 17, 1982

Colonel C. E. Edgar, III
Army Corps of Engineers
424 Trapelo Road
Waltham, Massachusetts 02254

Dear Colonel Edgar:

Please find attached a copy of the remarks I delivered at the Mall public hearing last night. I did not submit a copy to the stenographer after I spoke, but I would like the statement to be included in the record.

Once again, please accept my appreciation for your professionalism and responsiveness to the best interests of our area throughout this matter. It has been a pleasure working with the Corps.

Sincerely yours,

Walter J. Gawrych

Walter J. Gawrych
First Selectman

Attch:
WJG/raw

MAR 1982

SPEECH FOR MALL

3/16/82
7:00 p.m. 31

Good Evening Ladies & Gentlemen, I am Walter Gawrych, First Selectman of North Haven.

I would like to open my remarks with thanks to the Army Corps of Engineers for sponsoring this public forum. The Corps' professionalism throughout this entire matter has been impressive. I think everyone here can agree on that.

I endorse the conclusions of the draft environmental impact statement. These conclusions are very throughly supported by evidence gathered after two years of exhaustive research and review. The evidence is hard to refute. It demonstrates that the benefits of the proposed North Haven Mall are very substantial. Moreover, it shows that the alleged shortcomings of the Mall have been vastly overstated.

The Mall will produce millions of dollars in tax revenue. We need that revenue to maintain our quality Town services. The Mall will produce thousands of new jobs, especially new construction jobs. It will enhance shopping alternatives for the entire region.

I have studied this project through and through, and I believe that it will ensure continued economic vitality for not only North Haven but our entire hardpressed region.

I must comment on the effects of the North Haven Mall on our neighbor, the City of New Haven. I believe the Mall will make no fundamental difference in the steady slide of New Haven's central business district. The only thing that will make a difference is a change in the City's attitude. The City has to stop wasting its time trying to revive what existed but what was destroyed years ago. The City has to stop repeating the same mistakes it made during the Fifties and Sixties when a legion of bulldozers plowed down much of what gave New Haven the vitality we all cherished and remember. The City has to stop blaming its economic problems on the suburbs. In short, the City has to stop committing economic suicide. New Haven has a challenge to address its economic decline in a positive manner and develop a new economic track to follow. Hartford has done it. Stamford has done it. Dozens of cities across the country have done it. But we in the suburbs cannot do it for them. Nor can we be a political and economic scapegoat for New Haven's failure. New Haven has a challenge to grow by competing with the suburbs, and I know New Haven can do it.

About ten years ago, the Westfarms Mall came into West Hartford. Since then Hartford is enjoying one of the biggest building booms in its history.

I would like to close by thanking all the citizens of North Haven here tonight at this public hearing. Your interest in our community is commendable. I urge you to maintain this interest and this enthusiasm in the future.

L3 33 X

TOWN OF NORTH HAVEN

MEMORIAL TOWN HALL / 18 CHURCH STREET

NORTH HAVEN, CONN. 06473

(203) 239-5321

REPLY TO: Inland Wetlands

February 26, 1982

Colonel C.E. Edgar III
Division Director
New England Division
Corps of Engineers
424 Trapelo Road
Waltham, Massachusetts, 02254

Dear Colonel Edgar:

At a regular meeting of the North Haven Inland Wetlands Commission held on February 25, 1982, the following resolution was duly made and passed:

RESOLVED, that the North Haven Inland Wetlands Commission endorses favorably the draft environmental statement prepared by the U.S. Army Corps of Engineers which concluded that the filling of approximately twenty-five (25) acres of land located in the inland wetlands and water course area in the proposed mall in North Haven would have no significant impact on the existing flood conditions and upland areas.

Very truly yours,

NORTH HAVEN INLAND WETLANDS COMMISSION

James A. Varrone

James A. Varrone, Chairman

gbr

cc: First Selectman

Certified Mail R/R

Report of James A. Varrone, Chairman Inland Wetlands Commission

After the public hearing of the Inland Wetlands Commission, during deliberation session, on November 30, 1978, the Board voted to approve the request of Mall Properties to revise previously approved North Haven Mall Plan, Valley Service Road to enlarge existing pond; revise finished grade elevation and remove dikes as portrayed on map entitled "Site Grading and Utilities Plan, North Haven Mall, Valley Service Road, North Haven, Ct. Scale 1" = 100' dated 8/25/78," subject to the following conditions:

1. that a minimum 75 foot buffer strip be maintained along the Quinnipiac River and the final appearance and character of said strip with regard to grading and planting shall comply with the commission's requirements;

2. the commission requires that an area of not less than 11.6 acres of inland wetlands outside of the flood encroachment line shall remain undisturbed;

3. that all drainage in the parking area within the wetlands be designed to effect the most efficient return of storm water to the groundwater, as well as provisions for traps on the catch basins for oil and grease; and also maintenance provisions for the catch basins to assure integrity of function;

4. that the islands throughout the parking area be not less than 8 feet wide and shall run the full length of each parking row as portrayed on the map, and that the planting areas throughout the paved parking area be planted with suitable cover, trees and shrubs;

5. that the sequence of construction be submitted for the Town Engineer and Commission's review and approval for the complete control of erosion and sedimentation during the construction of the facility;

6. that all slope embankments within the wetlands have a minimum of two and one half (2½) horizontal to one (1) vertical and be landscaped and planted;

7. that the plans for all activity with reference to removing fill from pond and controlling sedimentation be reviewed and approved by the commission and town engineer prior to commencement of work on same;

8. that a performance bond of $1,000,000.00 of form acceptable to town counsel be posted with this commission prior to commencement of any construction. Said bond shall be conditioned upon compliance with all provisions of the "Regulations for the Protection and Preservation of the Inland Wetlands and Water Courses of the Town of North Haven" and the conditions imposed by the commission for the applicant's permit.

A Plenary Ruling was issued and a permit for the above noted activities has been approved. Fee for the permit is one hundred dollars ($100.00) and must be obtained from the Inland Wetlands Office prior to the commencement of the activities approved above.

At a meeting of the North Haven Inland Wetland Commission which was held on February 25, 1982, a resolution was adopted by the North Haven Inland Wetland Commission at its regular meeting held on said date favorably endorsing draft finding of the Corps of Engineers concerning the proposed activities on the Wetland area in the proposed site.

James A. Varrone

James A. Varrone
Chairman of the North Haven
Inland Wetland Commission

L4 37 X

TOWN OF NORTH HAVEN

MEMORIAL TOWN HALL / 18 CHURCH STREET
NORTH HAVEN, CONN. 06473

REPLY TO: ENGINEERING DEPARTMENT

(203) 239-5321

March 16, 1982

GOOD EVENING. I am Sal Fazzino and I am the Town Engineer for the Town of North Haven. The site under consideration for the North Haven Mall has excellent transportation access. It is located between the Wilbur Cross Highway and Interstate Highway 91 with adequate secondary roads. Studies have shown that there will be no major traffic impact or road safety problem. The capacity of the roads has been shown to be adequate, even at peak travel time. Little traffic is expected in the local neighborhoods arising from the mall.

The traffic report submitted in connection with the preparation of the draft EIS was very conservative - so much so that it essentially ignored the fact that some of the traffic attributable to the mall is traffic that would be on the roads without the mall.

The critiques of the transportation memorandum are erroneous and reflect the absence of expertise, which is to be expected. For example: one critique questioned the fact that the technical memorandum on Traffic studied only those intersections which would experience a potential vehicle increase of 10%. In fact, the norm requires only those intersections that are significantly affected (15% - 20%), in essence the consultants went much beyond the minimum requirement.

You are all aware, of course, that the need to widen Bishop Street was first [illegible]prized in 1966 Plan of Development. Upon preparing

ENGINEERING DEPARTMENT

March 16, 1982

several design alternates and holding two public hearings on the matter, the Department of Transportation has concluded that the need to improve Bishop Street exists today, without mall traffic and, in fact, are now engaged in final design for the project.

On the subject of water, permit me to make two observations: The Town of North Haven has an adequate water supply so that there is no expectation of using the ground- water in the area of the site and I refer you to the 208 study prepared by the Regional Planning Agency of South Central Conn.

Secondly, the studies clearly demonstrate that the mall will not cause flooding by the Quinnipiac River. What flooding does occur in North Haven is totally unrelated to the site of the proposed mall. Thank you.

Salvatore C. Fazzino

Salvatore C. Fazzino, P.E.L.S.

Town Engineer

SCF/mok

L5 39

TOWN OF NORTH HAVEN

MEMORIAL TOWN HALL / 18 CHURCH STREET

NORTH HAVEN, CONN. 06473

REPLY TO: CONSERVATION COMMISSION (203) 239-5321

March 6, 1982

Colonel C. E. Edgar III
US Army Corps of Engineers
New England Division
424 Trapelo Road
Waltham, MA 02254

Subject: North Haven Mall project

Dear Colonel Edgar:

On Wednesday, March 3, 1982, the seven members of the North Haven Conservation Commission met in a special session, called by the Chairman, to consider action and a position to be taken by this Commission regarding the US Army Corps of Engineers DRAFT ENVIRONMENTAL IMPACT STATEMENT on the North Haven Mall project.

Consequently a motion was presented, seconded and discussed. Finally, a vote was taken and the motion was accepted by a majority vote.

The motion reads as follows:

> "The North Haven Conservation Commission ENDORSES the issuance of a permit to place fill in about 25 acres of wetlands and water-courses in conjunction with the development of the North Haven Mall".

I ask you to incorporate this position of the North Haven Conservation Commission with this resolution as part of your final EIS report. Thank you.

Sincerely yours,

Dag Pfeiffer, Chairman,
Conservation Commission

cc: First Selectman W. Gawrych
Planning & Zoning Commission
Inland Wetland Commission

L6

40

TOWN OF NORTH HAVEN

MEMORIAL TOWN HALL / 18 CHURCH STREET

NORTH HAVEN, CONN. 06473

REPLY TO: CONSERVATION COMMISSION

(203) 239-5321

March 6, 1982

Colonel C. E. Edgar III,
US Army Corps of Engineers
New England Division
424 Trapelo Road
Waltham, MA 02254

Dear Colonel Edgar:

The North Haven Conservation Commission has met in session, reviewed and discussed your February 1982 DRAFT ENVIRONMENTAL IMPACT Statement on the North Haven Mall project.

The Commissioners are concerned with several issues connected with the construction of the project, such as access, protection of the Quinnipiac River, the maintenance of the complex and its surroundings, as follows:

I. BUFFER

A. We support a 100 foot minimum buffer strip between the Quinnipiac River and development. The existing ridge now is eroded and should be restored and protected by appropriate ground cover, preferably with trees and plants, natural to the area which will survive.

B. An appropriately worded Conservation Easement should be considered for the greenbelt or buffer strip.

II. WETLANDS

Take all precautions necessary to preserve the remaining wetlands. All recommendations of the Inland Wetland Commission should be followed, except that the buffer strip should be 100 feet (minimum) not 75 ft.

III. AIR QUALITY

The increase in traffic and adverse air quality impact at intersections should be minimized.

A. The best traffic lighting system should be designed for high-volume traffic intersections. Mall related traffic should be merged with existing traffic in such a manner that will avoid a traffic operation problem or problems and air pollution. Acceptable air quality standards must be met. It is pointed out that the Quinnipiac Valley in North Haven experiences severe thermal inversions at timmes.

B. Public transit bus services east to west as well as north to south should be encouraged to reduce the number of motor vehicles to the mall. RR service should be encouraged.

IV. POND

A. The pond should be fenced, but aesthetically screened on both sides of the fence with dense trees and natural plants common to the area.

B. It must be safe, not an eyesore, and if it serves a flooding control purpose, easy to maintain properly.

V. PARKING AREA

A. Drainage should be adequate to avoid flooding. Is a pump station contemplated?

B. The river should be protected from accumulations of oil or other degrading substances of water quality.

C. The appearance of the parking area should be enhanced with attractive plantings - trees and low shrubs. (Note security problems). Continuous professional care and upkeep are essential.

D. The parking area should be adequately lighted and light shields should be installed to reflect light downward.

E. Provide ample litter receptacles. Locate dumpsters so that they are hidden from views.

F. During and for a period after flooding, the lower parking lot should be closed to traffic. Such precaution is necessary to prevent breakup of the pavement.

VI. LANDSCAPING AND SITE MAINTENANCE

Maintain total site litterfree. Adhere strictly to North Haven's antilitter ordinance. Site planning should produce aesthetically pleasing surroundings for the following:

A. Pond Area
B. The Buffer strip
C. The Parking area
D. The Building area
E. Acess and egress roads

VII. WALKWAYS

A. Continuous lighted and attractive concrete pathways should be provided and identified for non-motorized bikers and pedestrians adjoining the roads going to the North Haven Mall. We suggest a shared pedestrian bike/sidewalk at least 7 feet wide, and raised by a curb or curb plus green area, from the road level.

B. At the Mall site, we request a clearly lighted and safe route for pedestrians and bikers to get through the parking areas to the Mall itself; isolated from the pavement level by curb and green strip.

C. Convenient, safe bike parking areas with racks should be provided near the Mall.

VIII. ENERGY

Energy conservation design of heating, cooling, lighting, pumping should be the practice throughout. Solar energy should be utilized wherever practical. Use of alternate means of transportation should be encouraged to save energy.

IX. TABLE 15 of DRAFT

Table 15 follows Page IV-10. On line 11 "Major Routes" we believe the reference should read "Bishop Street EAST (not west) of Hartford Turnpike".

I am asking you to incorporate these recommendations in the final EIS. Thank you.

Sincerely yours,

Dag Pfeiffer, Chairman,
Conservation Commission

cc: First Selectman W. Gawrych
Planning & Zoning Commission
Inland Wetland Commission

L7

X 43

TOWN OF NORTH HAVEN

MEMORIAL TOWN HALL / 18 CHURCH STREET
NORTH HAVEN, CONN. 06473

REPLY TO: CONSERVATION COMMISSION (203) 239-5321

March 18, 1982

Lt. Colonel Arthur N. Rappaport
Corps of Engineers
Assistant Deputy Division Engineer
424 Trapelo Road
Waltham, MA 02254

Subject: North Haven Mall

Dear Sir:

It was my pleasure to present to you at last Tuesday's hearing papers that outlined the affirmative position of this Commission towards issuance of a permit and further matters of concern in connection with the construction of of the Mall itself.

With this letter, I would like to present to you additional information that has come into my possession that should be of interest to you. The first letter attached is dated August 17, 1971. It was issued by the United States Department of Agriculture, Soil Conservation Service and addresses the question of flooding in the Quinnipiac River basin, specifically as it may affect the proposed Mall site. Recently I had asked the Soil Conservation Service to update that letter and comments made eleven years ago. The answer is also enclosed. I have reviewed these letters with Mr. Indorf personally and he told me that they will be submitting additional information to you directly.

Thank you for considering these commentaries and thank you and your Associates for conducting the hearing.

Sincerely yours,

Dag Pfeiffer, Chairman,
CONSERVATION COMMISSION

cc: Walter Gawrych, First Selectman

MAR 23 1982

Mag copy 8/19/71

NHCC
Shop Mall?
8/17/71
Indorf

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UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

August 17, 1971

Mr. Norman Greist, Chairman
North Haven Conservation Commission
Town of North Haven
North Haven, Connecticut 06473

Dear Mr. Greist:

At the request of your commission I have looked over the proposal site of the Shopping Mall to be located in the vicinity of the Stillman Rice sand and gravel operation along the Quinnipiac River, and I offer the following considerations:

Although the area was not part of the original flood plain of the Quinnipiac River, it (the gravel pit area) should now be considered as part of the flood plain. I say this because open drainage now outlets into the Quinnipiac and the entire sand and gravel pit area will now be subjected to flooding should flood conditions be prevalent in the Quinnipiac River Valley. Since this area would now be subjected, in its present condition, to flooding, the entire gravel pit area should be back filled or final graded to a level of one to two feet above the mean high water level as projected in the Corps of Engineers flood study of the Quinnipiac River Watershed.

It would seem desirable to have projected figures above the 1938 and 1955 flood levels because of the urban development within the watershed area. As this urban buildup will add considerably to the flooding problems downstream within the watershed area.

Another consideration should be that the soils that remain in the ~~ground~~-pit area and the entire project area, which for the most part are clay with little or no water infiltration potential. This could result in serious pollution problems should on-site sewage disposal methods be used. Of course, if sanitary sewage disposal facilities are available, this problem would be eliminated.

Also, without proper sub-drainage within the fill area, serious sub-terranium water problems could arise, even though the entire area will be paved. Some consideration should be given to sub-drainage for the entire area.

Further, a wooded buffer strip between the river and the shopping mall would be very beneficial to maintain the environmental aspects of the entire area.

4/5

NOHCC
Shop Mall?
Indorf
8/17/71

Mr. Norman Greist, Chairman

As far as the run-off from the area affecting the flood potential of the River Valley, I seriously doubt that a 150-200 acre contributing area would have very much effect or contribute very much to the flood hazard of the total watershed area which is approximately 120,000 acres.

Although there are some serious and severe limitations to the proposed use of the area, with the proper design and engineering they should not preclude the use of the area as a shopping mall.

Should any further questions arise, please feel free to call on us at any time. We more than welcome the opportunity to work with you.

Sincerely,

Frank S. Indorf Jr.

Frank Indorf, Jr.
District Conservationist

FI/smb

United States Department of Agriculture
Soil Conservation Service
322 North Main Street
Wallingford, CT 06492
Phone 269-7509

March 9, 1982

Dag Pfeiffer, Chairman
120 Hartley Street
North Haven, CT 06517

Dear Dag:

RE: North Haven Mall.

In reply to your letter of February 18, 1982, in regards to the North Haven Mall and to comments I made in a letter to your commission dated August 17, 1971.

At the time when my comments were submitted they were not made without having some knowledge of the Quinnipiac River and the total Quinnipiac River watershed area. At that time, all of the back-up data that is now available was not available. However, I had then discussed the problems of the North Haven Mall site with our hydrogolist and other members of our state staff and the opinion which I presented to you was the result of some serious discussion with many people.

Since that time many other engineering consultants, as well as the U. S. Army Corps of Engineers, have studied the area as well as the Quinnipiac River basin and watershed area. At this point in time, volumes of material is available and all aspects of the proposal have been studied, throughly.

The results of all of these studies substanciates the opinions rendered eleven years ago by this office and contained in my letter of August 17, 1971.

Our engineers and hydrogolist are in the process of reviewing and commenting on Corps of Engineers reports on this site. Our field office will also submit comments on the proposal in areas where we have expertise. We have also reviewed and commented on other information submitted by the developer and his consultants, through the Corps of Engineers.

All of the information and studies prepared back up and expand on what was said in my letter back in 1971:

1. The Mall site needs to be filled - over 1 million yards.
2. There are subdrainage problems, due to clay subsoil on the site.
3. The area is a man made flood plain.
4. That filling the area will not have any great impact and effect on upstream and downstream flooding in the area.
5. There are other problems concerned with the site. However, these problems and concerns can be mitigated by the use of good engineering and conservation practices.
6. That an erosion and sediment control plan is necessary. This has been prepared.

Overall, I would say as things have turned out, the comments presented eleven

(Con't)

United States
Department of
Agriculture

Soil
Conservation
Service

years ago to the North Haven Conservation Commission by this office are still valid.

Should you have any further questions, please do not hesitate to contact our office.

Very truly yours,

Frank E. Indorf, Jr.
District Conservationist

FI/jf

TESTIMONY BY NEW HAVEN MAYOR BIAGIO DILIETO
ARMY CORPS OF ENGINEERS' PUBLIC HEARING
MARCH 16, 1982

Good evening. I am Ben DiLieto, the Mayor of New Haven. I am here tonight to oppose the Mall as an elected official who is concerned about the future of his City as well as the region in which it exists. I believe that New Haven and the surroundin communities are interdependent -- that the quality of life and economic stability of each affects the other.

New Haven has served as the economic and cultural hub of our region for almost 350 years. New Haven continues to serve as the primary source of employment for the people who live in this region.

People from throughout the region benefit from the tax exempt education, recreational, medical, transportation, and cultural facilities the City offers.

Yet the City of New Haven bears a disproportionate share of the costs of providin services to the less fortunate residents of our region.

I am profoundly concerned that the North Haven Mall, if approved, would cripple our capacity to provide either the faciliites or services that all of us in the region have come to expect.

We are here tonight to provide the Army Corps of Engineers with the information it needs in order to do that which the law requires it to do:

First, it must independently conclude that there is a public need which would be served by the issuance of the permit. It has not. It has instead simply accepted the applicant's proposal to build a 1.2 million sq.ft. mall as the regional need.

Second, it must independently assess the environmental, economic and social consequences of permitting the Mall to proceed. It has not. It has instead relied to an extraordinary degree upon the assertions of the applicant.

Third, it must be able to conclude, after evaluating all reasonable alternatives and their consequences, that the Mall as currently proposed is the best way of addressing the public interest. It has not. It has instead relied on the applicant's self-serving and incomplete identification of alternatives.

In the face of the foregoing, we believe that the draft is legally deficient at this time with respect to all three of these requirements.

We have commissioned several independent consultant studies which document the Mall's actual impact on the region. These studies show that:

1. The actual public need for new shopper's goods space in this region is less than half what the applicant is proposing to construct.

2. The imposition of this behemoth would lead to a transfer of 16-20% of sales from downtown New Haven and an immediate closing of 20% of the stores in downtown New Haven as well as Sears in Hamden and many smaller stores in Hamden, Wallingford, and other established centers.

3. This massive transfer of sales will seriously undermine the tax and employment base of hard-pressed communities. New Haven alone stands to lose up to $1.1 million dollars per year, nearly equal to the cost of operating our entire library system. Moreover, the proposed Mall would produce no net gain in regional employment or in tax revenues.

4. This proposal would not only foreclose forever opportunities to maintain and revitalize existing centers, it will set off a cycle of decline which cities and towns will be powerless to reverse.

5. The economic havoc created by this proposal would seriously reduce the attractiveness of the entire region as a location for new office and industrial development.

In conclusion, we believe that the Corps must prepare a revised draft EIS based on its own independent review of the information. It is my conviction that the Corps will conclude that the North Haven Mall -- as currently proposed -- will cause irreparable harm to the entire region, and will be compelled to deny the permit application.

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OFFICE OF THE MAYOR

BIAGIO DILIETO
MAYOR

CITY OF NEW HAVEN
CONNECTICUT 06510

March 29, 1982

Colonel C.E. Edgar, III
U.S. Army Corps of Engineers, NED
424 Trapelo Road
Waltham, Massachusetts

Dear Colonel Edgar:

As representatives of the City of New Haven indicated to you at the Public Hearing of March 16, 1982 in North Haven, we are hereby submitting the complete consultant reports by Messrs. Phillips, Chung and Putman previously summarized and referred to at the Public Hearing. We are also providing a final copy of the City's comments which cover and incorporate those reports. We request that this final version replace the draft provided to you at the March 16 hearing in your current consideration of the permit application.

To these materials we have added further comments and documents which respond to various issues raised at the Public Hearing. We believe that with these materials in hand, the Corps must conclude that it cannot make a finding that the North Haven Mall is in the public interest. Included herein is a short summary by our Special Legal Counsel, Peter B. Cooper, which concludes that the draft Environmental Impact Statement is legally deficient in terms of its public interest analysis, consideration of reasonable alternatives, and failure to make an independent evaluation of the impacts involved. Also included in this submission (Appendix 5) is a summary of Federal and State legislative declarations of the public interest in strengthening urban centers, including various State of Connecticut Executive Orders and Statutory References mentioned by Alderman Selden at the Public Hearing. These add to Connecticut's broad statutory scheme reflecting the crucial need for urban revitalization.

Finally, I would like to make certain supplemental observations in light of various claims made at the Public Hearing.

The Town of North Haven cannot take shelter behind a protective wall and claim "outside interference" when that Town's proposal is of such a magnitude that it will have an inevitable and irretrievable adverse economic impact upon the City of New Haven and other municipalities in the South Central Connecticut region.

The City's technical reports clearly establish that the proposal of 1.16 million square feet is far in excess of the regional public need for additional retail space, and is achieved only by draining and transferring economic health from one portion of the region to another. Such a transfer has nothing to do with overall "public interest" and benefit, and as a result can, will, and must be resisted hotly by those who are injured by the unilateral North Haven action.

The claim of "clean up New Haven's act first" would be a relevant charge if only the North Haven mall proposal were an outright competition for the actual demand for additional regional retail space. Under such a scenario, New Haven and North Haven could slug it out in true free enterprise fashion, and may the best community win. However, the applicant's excessive proposal creates injury, not healthy competition.

Contrary to the assertions of Mr. Dodes, planning consultant to the applicant, we feel we have demonstrated in our previous submissions and even more clearly in our submission today, that the New Haven central business district is in your terms a "reasonably foreseeable alternative" for meeting a significant share of the legitimate public need for quality retail services in this region. In response to Mr. Levine of Gladstone Associates, I assert that we possess all the necessary ingredients to make downtown New Haven an alternative -- the local commitment to act; the power to assemble a site in short order; access to local, state, and federal funding; and, most importantly, significant private interest.

Given that the proposed mall would succeed only by attracting sales away from our downtown, Hamden's Magic Mile, and other centers, we must view maintenance of the existing supply of retail space as a significant part of an alternative. Improvements and moderate expansion of those existing centers as well as possible construction of more appropriately

scaled new centers could then meet the needs left unfulfilled by the current supply. In this light, it would be short-sighted of the Corps to disqualify downtown New Haven as an alternative simply because it could not easily accommodate an additional 1.16 million square feet of retail space and 5,600 parking spaces on grade. We believe that downtown New Haven can accommodate an additional 400,000 square feet or more -- which, when added to the current complex of ±650,000 square feet and 4,500 parking spaces within one block, will provide an appropriate satisfaction of public need -- without devastating our neighboring communities.

Since the City of New Haven's most immediate concern has been in terms of the reasonably forseeable detriment of adverse economic impact, the vast majority of our testimony and attention has focused on that issue. We want to go on record, however, supporting the claims made at the Public Hearing that the Corps has made so far an inadequate analysis of the cumulative impact upon the wetlands of the Quinnipiac River Basin, as such basin would be affected by incremental steps such as the proposed Mall. This point was forcefully made by representative Mary Mushinsky of Wallingford, and we underline New Haven's concerns that a full analysis should be made of how the North Haven proposal relates to the cumulative impacts upon the Quinnipiac River Basin, including whether such cumulative impact will have flooding, siltation, or water quality implications upon New Haven.

Finally, I would like to respond to the charges that New Haven is somehow out to monopolize or dictate regional economic development. Nothing could be further from the truth as the record makes abundently clear. In fact, the City played a major role in the formation and success of the Quinnipiac Valley Industrial Development Corporation, the regional entity which helped create the value on the very site on which the proposed mall would be built. The City even provided assistance to many firms relocating from the City to Defco Industrial Park just north of the proposed site. Then and now we appreciate the vital interdependence which makes a regional economy work.

In closing, I want to commend you for your fair handling of the difficult Public Hearing and trust you will give due consideration to the extensive testimony we are providing. We would be more than happy to meet with you as needed to provide clarification or supplementary material as needed.

Thank you.

Sincerely,

Biagio DiLieto

Biagio DiLieto
Mayor

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City of New Haven

Submission To The

Army Corps of Engineers, NED

Regarding The

Draft Environmental Impact Statement

On

Application #13-79-561 For A Permit

Under Section 404 of the Clean Water Act of 1979

And Section 10 of the River and Harbor Act of 1899

by Mall Properties, Inc.

* * * * * *

March 26, 1982

TO: New England Division, Corps of Engineers
Department of the Army

FROM: Peter B. Cooper, Special Legal Counsel, City of New Haven

RE: North Haven, Connecticut Mall: Legal Inadequacy of Corps Draft Environmental Impact Statement. Application 13-79-561

DATE: March 25, 1982

CONCLUSION: The following represents a condensed summary analysis of the legal adequacy of the Draft Environmental Impact Statement on the North Haven Mall.

It is submitted that the draft EIS is legally deficient on both substantive and procedural grounds, more particularly in (1) its substantive public interest analysis as required by 33 C.F.R. 320.4, (2) the failure to correctly define and therefore consider a reasonably foreseeable and available alternative, and (3) its procedural failure by undue delegation of its statutory responsibility to make the necessary independent objective evaluation of impact. It is further submitted that by responding to those deficiencies in the final Environmental Impact Statement through 33 C.F.R. 230.19(c) analysis of the City of New Haven's detailed submissions, the Corps will necessarily conclude that it cannot make the finding that the North Haven Mall is in the public interest.

I - <u>The Required Finding of Public Interest</u>:

"NO PERMIT SHALL BE GRANTED UNLESS ITS ISSUANCE IS FOUND TO BE IN THE PUBLIC INTEREST" (33 Code of Federal Regulations, Section 320.4).

(1) Public Need for Additional Retail Space:

(a) The basic flaw in the draft EIS is that the Corps has continually begged the question of what "concentration depth and variety" of

retail goods are publicly needed in the region. DEIS Summary pages 1 and 4, and IV - 20 to 24. From this failure to make its own independent analysis of such public need flow the legal deficiencies of uncritical acceptance and undue deference to the Gladstone Report (which never makes a finding of public need) and the inevitable failure to evaluate alternatives to the public need it never defined.

The Corps' conclusion of a need for additional retailing in the New Haven area says nothing about whether the applicant's specific proposal of an additional 1.2 million square feet of space is the most directly responsive, cost effective, and least detrimental way of meeting this unmet public need. Public need is to be measured by the amount of retail sales area which is needed but not provided in a region. It is not to be assumed to be the amount of retail space these private applicants propose. Thus, the Corps can make no public interest finding on this point without knowing what that need is.

(b) To bolster its claim of needed additional retail space, the applicants point to "leakage" of commercial activity outside of the region. The Corps however never objectively analyzes this justification and adopts the same arbitrary downplay the Gladstone Report uses on the countervailing inflow of sales to the region. The result is that the Draft EIS greatly underestimates the transfer effect whereby the proposed Mall will provide new retail space only by draining and transferring economic health from one portion of the region to another, a result which is the reverse of the required finding of "public interest". A correct and balanced analysis of "leakage", inflows, and transfers shows that a claim of "leakage" will not serve as the underpinning for the finding of public need.

(2) The Impact of the Proposal:

(a) Resolution of Conflicting Impact information:

No public interest finding on the impact of the North Haven Mall can be made so long as there is no resolution of the wide divergence of economic impact contained in the technical reports.

The draft EIS concedes that "at this time" it cannot make the legally required "finding" of public interest. (EIS IV-21). The EIS reference to the other reports which give a range of impact on the New Haven core's losses of retail sales varing from 8.5% to 27.6% is only a compilation of conflicting evidence, not a substantive choice between the merits of that conflicting information.

The Corps will have to make substantive choices in the final EIS, since the Corps cannot leave unresolved this major discrepancy which directly implies major differences in impact upon New Haven's core, for the reason that the impact must be known before the finding of "public interest" can be made. The City of New Haven's submission of technical reports (see especially Technical Memoranda #1 by Phillips/ Norwalk Co.) presents the Corps with hard information, showing a probable impact on New Haven far greater than the applicant's soothing conclusion. This divergence must be met head on and resolved in the Corps' public interest finding.

(b) Statutory and Case Law Policy favoring Urban Revitalization:

The Corps has been presented with Appendix 5 to the City's Comments which lays out an extensive federal and Connecticut statutory framework supporting and encouraging protection from steps which undermine the crucial goal of urban revitalization. In addition to this documentation were the submissions at the Public Hearing by Representative

Selden covering additional Connecticut Executive Orders and statutory references implementing this policy goal. Consistent therewith has been the United States Court of Appeals, Second Circuit, See City of Rochester v. United States Postal Service, 541 F.2d 967, 973 (1976), a case dealing with the loss of job opportunities for inner city residents and abandonment of urban core facilities which can contribute to urban decay, thereby making environmental repairs difficult if not infeasible.

The EIS is required to consider "any irreversable and irretrievable commitments of resources which would be involved in the proposed action should it be implemented". This statutory standard (42 U.S.C. §4332) requires an analysis of the extent to which the proposed mall action would foreclose any future action by the City, particularly in terms of revitalization of the downtown core. It has failed to do so.

(c) Special public service role of City:

Another factor in the public interest analysis involves the special regional consideration legitimately due the central core of that region, for the reason that the New Haven core has been the major supplier of the education, health care, cultural, transportation and other public services to the region, and the deflection of economic activity outside of the New Haven core would seriously impact the City's ability to continue to provide and maintain these services.

(d) Civil rights implications of the proposal:

The Draft EIS is silent on the economic and social segregation impacts of the proposed Mall. The City's consultant Phillips/Norwalk concludes that the Mall will result in a redistribution of income in the region which will be regressive. At the Public Hearing, the repre-

sentatives of the New Haven Neighborhood Legal Services Program focussed on the inadequacies of the draft EIS by not covering (a) the disproportionate impact of the Mall on poor and minority members of the New Haven community, and (b) the racial implications of placing the Mall in an area inadequately served by public transportation.

(e) Undue concentration of benefit and detriment:

Implicit in the public interest finding is the required balancing analysis of benefit and need which must consider whether either the benefits or the detriments are so concentrated that instead of an overall benefit to the region there is really only a shift of benefits. Where there is a high degree of benefit for one portion of the region but only at the expense of a high degree of detriment to another portion of the region, then the finding of overall public interest cannot be made.

(f) Cumulative Impacts:

The Corps has made so far an inadequate analysis of the cummulative impact upon the wetlands in the Quinnipiac River Basin, as such Basin would be affected by incremental steps such as the proposed Mall. This point was forcefully made by representative Mary Mushinsky of Wallingford. A full analysis should be made of how the North Haven proposal relates to the cummulative impacts upon the Quinnipiac River Basin, including whether such cummulative impact will have flooding, siltation, or water quality implications upon New Haven.

In conclusion, the listing of the above impacts shows a number of "reasonably foreseeable detriments" impacting New Haven adversely (33 C.F.R. 320.4) and not overborne by regional public interest benefits. To repeat, even accepting the concern over "leakage" of retail sales outside the New Haven area, it by no means follows that the 1.2 million

square foot North Haven Mall is the proper and necessary measured response to plug that leakage, i.e., particularly where its excessive size not only stops leakage, but draws from elsewhere within the region (i.e. New Haven's core) to that portion of the region's detriment. Finally, it is the Corps, and not the applicant, who must determine what is in fact the amount of additional retailing needed in the region in order to answer their own definition of the public need.

II - Alternatives to the Proposed Action:

The alternatives analysis is directly keyed to the original finding of "public interest". The alternatives analysis in the Draft EIS is legally flawed because it assumes the regional public need is for 1.2 million square feet of additional retail space. There is no alternatives analysis based on how much additional regional retail space is publicly needed, [See I(a) above]. The City of New Haven's alternative does present a reasonable alternative to such a level of public need, but has been artificially and arbitrarily defined out of the analysis by the Corps'uncritical adoption of the Gladstone Report approach. The Corp must now correct that legal defect.

If an alternative smaller mall which does not have the economically draining effect upon New Haven were possible, then that would have a net benefit in the public interest balancing of benefits and detriments. This smaller mall analysis has never been analyzed in these public interest terms, only in the terms of whether or not it would be economically profitable for the developer. This is an irrelevant consideration for the Corps. See Section 4.4 at page II - 7 and 8 of the EIS.

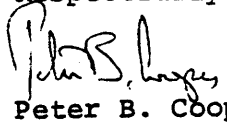
III - Delegation:

As the Corps knows well, ever since Greene County Planning Board v. Federal Power Commission, 455 F.2d 412 (2d Cir. 1972), the Second Circuit Court of Appeals has taken the firmest stance in requiring Federal agencies not to abdicate their "primary and nondelegable responsibility" in violation of NEPA.

The Draft EIS presents an undue acceptance of the crucial economic and impact assumptions contained in the applicant's Gladstone Report (Appendix L), and as such does not contain the required scope, objectivity or content demanded by the statutes and case law. See Citizens for Balanced Environment and Transportation Inc. v. Secretary of Transportion 515 F.Supp. 151 (1980).

Now that the City of New Haven's technical reports are submitted in this record, the Corps will be aided in meeting its responsibility of making its own evaluation of the environmental issues in the proposal. 38 Fed.Reg. 10865 and 40 C.F.R. §1506.5.

Respectfully submitted,



Peter B. Cooper
Special Legal Counsel,
City of New Haven

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Comments of the City of New Haven

On The

Draft Environmental Impact Statement

On

Application #13-79-561 For A Permit

Under Section 404 of the Clean Water Act of 1979

And Section 10 of the River and Harbor Act of 1899

by Mall Properties, Inc.

* * * * * *

March, 1982

Revised, March 26, 1982

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1. Comparison of Depth and Variety of Shoppers Goods Stores in Downtown New Haven with a Typical Regional Shopping Mall.

2. Concentration of Total Retail and Shoppers Goods Sales in 21 Eastern Metropolitan Areas, 1977.

3. Gladstone Associates Estimates of the Impact of the Proposed Mall on Existing Retail Centers.

SMSA Centers

A. Downtown New Haven
B. Hamden Magic Mile
C. White Acres (Orange)

SMSA Towns

D. New Haven (non-downtown portion)
E. Hamden (non-Magic Mile area)
F. North Haven
G. Wallingford

Non-SMSA Centers

H. Meriden Square
I. Connecticut Post
J. West Farms Mall

4. Sales Transfer Forecast: Downtown New Haven to Proposed Mall (Phillips Report, Exhibit 12).

5. Total Income of Residents of South Central Connecticut Region Within Varying Driving Times of the Proposed North Haven Mall and the New Haven CBD, 1977.

6. Summary of Impact of North Haven Mall (Chung Report, 1982; Exhibit 5-1).

Appendices

1. Recent and Planned Development Projects, Downtown New Haven.
City of New Haven, Office of Downtown and Harbor Development, March, 1982.

2. Regional Services Provided by or Within the City of New Haven.
City of New Haven, Office of Downtown and Harbor Development, March, 1982.

3. State and Federal Legislative Declaration of Public Policy.
City of New Haven, March, 1982.

4. Recent Correspondence Concerning Expansion of the New Haven Retail Core.
City of New Haven, March, 1982.

5. Memorandum Outlining Methodological Problems with Gladstone Associates Report, Economics and Land Use.
Steven Permut, Behavioral Litigation, Inc., August, 1981.

6. Critique of the Report, Economics and Land Use by Gladstone Associates.
City of New Haven, Office of Economic Development, September, 1981.

7. Record of Submissions to the Army Corps of Engineers Concerning Application #13-79-561 by the City of New Haven.
City of New Haven, March, 1982.

8. Statement by Melvin F. Levine, Melvin F. Levine Associates, March, 1982.

9. Excerpts from Studies Relating to the Impact of Suburban Regional Malls on Central Cities.

10. Real Estate Research Corporation Comments on Appendix L, Economics and Land Use, prepared for the U.S. Department of Housing and Urban Development, 1981.

Technical Memoranda

1. Retail Market Impact; Proposed North Haven Mall, North Haven, Connecticut.
   Phillips/Norwalk Co., March, 1982.

2. An Analysis of Retail Sales Shifts From the New Haven Central Business District in Response to the Construction of the North Haven Mall.
   Dr. Stephen H. Putman, Department of City and Regional Planning, University of Pennsylvania, March, 1982.

3. A Large Scale Regional Shopping Mall vs. The Regional Downtown: An Economic Impact Study of the Proposed North Haven Mall.
   Dr. Hyung C. Chung, Director, Urban Management Institute, and Professor of Economics, University of Bridgeport, March, 1982.

4. North Haven Mall, Public Transportation Memorandum.
   City of New Haven, Department of Traffic and Parking and New Haven Downtown Council, March, 1982.

I. Introduction

The Army Corps of Engineers' decision of whether or not to issue a permit for construction of the North Haven Mall rests on one critical question -- does the Mall serve the broad public interest? Specifically, the Corps' regulations provide that:

> "NO PERMIT SHALL BE GRANTED UNLESS ITS ISSUANCE IS FOUND TO BE IN THE PUBLIC INTEREST" (33 Code of Federal Regulations, Section 320.4).

In these regulations, the public interest is broadly defined to include, among other things, the effects of a proposed project on the environment, land use, and regional economic development. Among the crucial criteria the Corps must apply in evaluating and reaching a finding of public interest are:

1. "the relative extent of the public and private need for the proposed...work"; and

2. "the desirability of using appropriate alternative locations and methods to accomplish the objective,"

Furthermore, the Corps must determine whether "the benefit which reasonably may be expected to accrue from the proposal is balanced against its reasonably foreseeable detriments", (33 CFR, Sec. 320.4).

While there are a number of pressing natural resource preservation and utilization issues raised by the proposed Mall development, the City of New Haven's comments will focus primarily on the social and economic impact of the proposal. In its evaluation, the City examined whether or not the Draft Environmental Impact Statement addressed basic regional economic and land use considerations:

1. To what extent does the proposal respond to and fill a defined public need?

2. What are the alternative means of accomplishing the objectives of the proposed mall and the impacts associated with each of those?

3. Do the benefits provided by the proposed North Haven Mall outweigh the broad negative social and economic costs it will impose on the region?

The City maintains that the DEIS as released does not respond adequately to the above questions and to the regulatory requirements of the Army Corps and therefore does not provide the basis for the required determination of public interest. In placing undue reliance upon materials submitted by the applicant, who has an inherent conflict-of-interest in presenting this information, the Corps has failed to provide the independent and objective assessment of the impacts of the proposed Mall which would provide the basis for a valid public interest determination. This report and the associated technical memoranda will outline the serious technical flaws in the materials prepared by the applicant, particularly Appendix L, Economics and Land Use, prepared by Gladstone Associates (consultant to the applicant). An alternative analysis then will be presented.

This report will address each of the above questions in making the case that given the reasonably foreseeable negative economic and social impacts of the proposed action and the presence of reasonably foreseeable alternatives for meeting the public needs the proposal is addressing, the issuance of a permit to allow construction of the North Haven Mall would not be in the public interest.

II. Public Need

The City of New Haven would be the first to point out that there is a demand for additional quality retail facilities in the New Haven metropolitan area, as demonstrated by independent market analyses (Halcyon, 1978; Rouse Co., 1981; Phillips/ Norwalk, 1982).

The presence of a public need for retail facilities in the New Haven area, however, does not lead automatically to the conclusion that the applicant's proposal to construct the 1.16 million square foot North Haven Mall is the most directly responsive, cost effective, and least detrimental way of meeting this unmet public need. In fact, independent studies show that it is highly unlikely that there is enough shoppers' goods demand in the region to support that scale of development without major dislocations in existing centers (Halcyon, 1978; Andrews, 1979; Rivkin, 1981; Phillips/Norwalk, 1982; Chung, 1982; Putman, 1982; RERC, 1981). The analyses presented and referred to herein demonstrate conclusively that the proposed mall goes far beyond the increment of retail space required to serve the public need for shopping facilities in the New Haven metropolitan area. An independent analysis was conducted for the City by the Phillips/Norwalk Co., a well-known and respected retail market analysis firm

(Technical Memorandum #1). This analysis of current (1981) data demonstrates that the actual demand for additional retail space in the region is approximately one half what the applicant proposes to construct (Phillips/Norwalk, 1982).

The Corps makes no attempt to quantify the level of demand for additional retail facilities independent of the instant proposal. Furthermore, the Corps fails to demonstrate that the proposed mall is the only or even the optimal alternative for serving the still unquantified public demand for retail facilities.

Even the analysis provided by the developer estimates that a minimum of 34.2% of the mall's shoppers' goods sales in 1985 (scenario 1) will be sales transfers from other metropolitan locations. Independent market analyses and evaluations have projected that this transfer will be substantially greater, providing up to 87% of mall sales, and that the largest transfer in terms of percentage of existing sales will come from the New Haven CBD, Hamden's Magic Mile, and other established centers in the region (Phillips/Norwalk, 1982; Putman, 1982; Chung, 1982; RERC, 1981).

The applicant cites extensive "leakage" of purchasing power out of the region as a primary proof of public need. He estimates that $66.4 million of shoppers' goods purchasing power was "leaking out" of the metropolitan area in 1977 -- and contends that regional shoppers, frustrated with the lack of depth and variety of merchandise at regional locations were spending $66.4 million or 19.2% of their total shoppers' goods purchasing power, at non-SMSA locations. What the applicant mentions, but does not stress, is that he estimates total inflow in 1977 at $95 million, fully 25.3% of the SMSA sales, for a net inflow of $28.6 million in shoppers' goods sales. In other words, for every dollar in sales leaving the SMSA for other places, $1.43 in sales was coming in. Apparently, enough people outside the SMSA were sufficiently attracted to the depth and variety of retail merchandise offered in the region to bring in more sales than were lost. Even in the applicant's estimation, there will be a net inflow through 1990 without the proposed North Haven Mall, except under the most favorable income growth assumption (1% annual income growth) (Gladstone, p. 58).

Furthermore, the definition of a regional boundary used for discussing sales inflow vs. sales outflow is arbitrary and distorts the reality of actual retail market areas which

overlap and do not conform to boundaries convenient for analytical purposes. It is a distortion to place enormous value on the concepts of leakage, recapture, and inflow when a considerable portion of these flows across regional boundaries occur across shorter distances than many intra-regional sales flows, especially when towns along the region's edge are taken into consideration.

Is a dollar of sales flowing from Wallingford to the Meriden Square Mall somehow "bad" for the region and is a dollar of sales flowing from Durham to North Branford somehow preferable? While in concept and in aggregate terms sales leakage is real and may suggest inadequate service and unnecessary travel, assertions about leakage must be made and evaluated very carefully. Neither of the above cases, for example, represent either "leakage" or "inflow" in any meaningful sense of the words.

As stated by the Real Estate Research Corporation (RERC), a respected real estate development consulting firm, a fair analysis of regional sales flows from each city and town to each relevant area, with and without the proposed mall, must be based on such considerations as "relative travel times and ease of travel, relative square footage of shoppers' goods space, relative attractiveness for particular types of shoppers, uniqueness of specific markets served, and extent to which particular types of stores would be directly competitive" (RERC, 1981, p. 8). This approach would provide a market share analysis reflecting relative location, size, and attractiveness of retail centers which, as RERC suggests and we shall demonstrate below, would produce considerably different results than the Gladstone Report. The public need in question here is for retail services -- opportunities to comparison shop at reasonably competitive prices within a reasonable distance from one's residence or place of work. Any definition of public need must start with a specific analysis of how well served this need is at present in specific areas of the region.

The question then becomes what are the practicable and reasonably foreseeable alternatives for meeting this need.

III. Alternatives

Our market analyses and evaluations prove that the proposed mall at its present scale is not an appropriate method of meeting a legitimate public need for retail services in the New Haven Metropolitan area. Our analyses suggest that the Corps should consider at least two alternatives for meeting the public need. These alternatives include:

A. improvement and incremental expansion of existing regional centers and smaller downtown commercial districts;

B. provision of a scaled-down regional mall with two anchor stores.*

As we shall demonstrate, the presentation and evaluation of these alternatives by the applicant (Appendix Q) is seriously flawed and demonstrates substantial bias in favor of the proposed mall. The major flaw is the undocumented assumption of a public need for a 1.16 million square foot regional mall which results in erroneous disqualification of reasonable alternatives. In the absence of any demonstration of a public need for a project comparable in scale to the North Haven Mall, the limitation of alternatives only to those providing a comparable scale of development is inappropriate and unwarranted. While the report suggests that a smaller mall with three anchor stores or a combination of projects would not meet the needs of the market area, no evidence or market studies are presented to support this assertion.

A. Improvements to Existing Centers

One simple alternative method of meeting the valid public need which would not involve massive dislocation in existing centers, and which builds on their strengths and potentials, would be a program of physical and management improvements at the two existing major regional centers designed to provide those qualities of regional malls which attract shoppers -- amenities, security, ease of access and parking, depth and variety of merchandise, etc.

The entire "leakage" of sales projected by Gladstone for 1990 ($70.4-$80.2 million) could be recaptured merely by increasing the 1977 average sales productivity per square foot at the CBD and the Magic Mile from $92.75 to $110-116 and adding a mere 400,000 square feet of floor space. Such a program has demonstrated success in the region and data from other regions supports the feasibility of this alternative. Moreover, the societal costs of such an alternative are vastly lower in terms of the relative investment required to achieve a given level of service, the effects on communities, the rate of depreciation of existing public and private assets and the distribution of opportunity and income.

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* It should be noted that the City of New Haven does not recommend such an alternative, but rather that the Corps has a responsibility to consider it.

One successful model of this approach is to be found at the Connecticut Post Mall in Milford. The Rouse Company acquired the old, ailing shopping center after a disastrous decline in sales of 44.7% between 1972 and 1977. Productivity of sales in shoppers' goods space reportedly dropped from $68 per square foot to $32 per square foot during this period (Gladstone, p. 111). Several fires and crimes had driven shoppers away. Rouse invested several million dollars in enclosing and totally renovating the common areas at the center, began remerchandizing the small store spaces, and succeeded in transforming the image and sales productivity of the mall in a matter of less than two years. Annual sales per square foot have risen by almost 30% in the first four months of operation (Personal Communication, Rouse Co., March 5, 1982). The potential to transform aging, faded shopping areas into attractive well-run malls is demonstrable.

1. Hamden's Magic Mile

Interestingly, one reason Gladstone rejects retail expansion in the Hamden Magic Mile area as a component of a multi-site strategy for meeting retailing needs is that it would involve reconstruction of existing malls and provision of decked parking (p. 26). Later, in discussing the feasibility of decked parking to conserve land at the proposed North Haven Mall site, Gladstone observes that decked parking is often economically feasible and commonly provided as part of expansions of mature suburban shopping malls when the costs of land needed for expansion is greater than the cost of decking the parking (p. 32).

Even if public subsidy were required to create parking structures, as has been the case in many central city projects, this would not be relevant to the question of whether a particular project is a reasonably foreseeable alternative and, therefore, should not be considered as a factor in dismissing such alternatives. Moreover, numerous cases have demonstrated that municipalities are willing and able to make such investments and Federal policy has encouraged such facilities in recent years with Urban Development Action Grants (Milwaukee, Philadelphia).

2. New Haven's Central Business District

When it comes to downtowns, research shows that shoppers generally prefer the range of shopping experience and services available in the CBD, but in many cases are detered by difficult access or parking or an exaggerated fear of crime (Paaswell, et al, 1981). In response to the suburban mall proposals across the nation, leaders and managers of older cities are looking harder at integrated management of down-

towns as shopping areas in order to respond more effectively to shoppers desires for improved security, cleanliness, and convenience. A number of cities have created downtown organizations which are actively involved in joint public-private development projects.

On the basis of depth and variety, even the present New Haven CBD retail base provides a remarkable diversity and range of stores and shopping goods. Table 1 compares the distribution of downtown shoppers' goods stores to those of a typical regional mall. The HUD Community Impact Statement concluded that "these clusters [of downtown retail space] combined constitute the largest single group of retail facilities in the region, unmatched in respect to variety of merchandise and span of price range for comparison shopping. They are highly accessible within the region" (Rivkin, p. 45). A comparable range of goods also is available within less than a 25 minute driving distance of every resident in the region at existing centers.

Discussions with retailers suggest that due to higher occupancy costs and considerably smaller average store size in regional malls the selection and depth of merchandise is often more limited than at older centers where inventory space is not as limited and rent levels are lower (personal communication with James Brochin, Arnold Shoes, March, 1982). These higher occupancy costs also may result in higher shoppers' goods prices in malls (Rivkin, p. 40).

On the basis of a consultant study by The American City Corporation and an emerging public and private concensus on the need to revitalize the downtown area, the City of New Haven recently launched a comprehensive downtown management and joint public-private development program, a major feature of which is a high-quality regional retail development. A special Office of Downtown and Harbor Development was set up in June, 1981, to develop and implement the program. This integrated development effort is designed to reinforce the role of the CBD as a major regional center for retail, office, entertainment, education, and health services.

This program is designed to:

1. Provide an increment of new retail space which responds to regional needs yet will not cause major dislocation in the region; and

2. Address the demand of shoppers for increased depth and variety of merchandise (beyond the high level

TABLE 1: COMPARISON OF DEPTH AND VARIETY OF SHOPPERS GOODS STORES IN DOWNTOWN NEW HAVEN WITH A TYPICAL REGIONAL SHOPPING MALL

STORE TYPE	DOWNTOWN NEW HAVEN (1) SQUARE FEET OF FLOOR AREA	DOWNTOWN NEW HAVEN (1) PERCENT OF FLOOR AREA	AVERAGE OF 30 MALLS (2) SQUARE FEET OF FLOOR AREA	AVERAGE OF 30 MALLS (2) PERCENT OF FLOOR AREA
DEPARTMENT AND VARIETY	612000	53.96	526000	68.24
APPAREL, SHOES	177000	15.61	154000	19.98
FURNITURE, HOME FURNISHING APPLIANCES, AND MISCELLANEOUS SHOPPERS GOODS	345072	30.43	90800	11.78
TOTAL	1134072	100.00	770800	100.00

(1) BASED ON CITY OF NEW HAVEN DOWNTOWN FLOOR SPACE USE SURVEY, SUMMER, 1981.
(2) PHILLIPS/NORWALK CO., BASED ON AVERAGE OF 30 REGIONAL MALLS OPERATED BY HOMART DEVELOPMENT

presently provided by the nearly 1.2 million square feet of downtown retail uses), public amenities, security, and improved access.

3. Build on the inherent locational advantages of the CBD and the inter-dependencies of the retail, office, and entertainment sectors of the downtown economy by advancing projects in all three areas.

4. Address and improve or rectify some of the problems which put downtown retailing at a significant disadvantage including parking, security, public service delivery, and lack of coordinated management.

The full scale of public, private, and joint downtown improvements recently completed or underway is described in Appendix 1.

Recent investments and investor interest demonstrate a confidence in the CBD which together with the aggressive public sector effort now underway contradicts the bleak picture of New Haven presented in the applicant's Alternatives Assessment (Appendix Q, pp. 15-22). Specifically, in response to a City request for proposals, two strong retail development companies expressed an interest in a major expansion of shoppers' goods space in the downtown area. The City currently is engaged in negotiations with one of these, The Rouse Company, to carry out such a project. Appendix 4 provides a chronology of this effort.

The projected sales productivity in the new retail facilities as planned would be approximately $136 per square foot (1977 dollars) and lead to an increase in total CBD sales from $83.2 million in 1977 to as much as $94 million in 1989 (in constant 1977 dollars), thereby recapturing some of the sales leakage which may be taking place without affecting existing retail concentrations.

The combination of strong developer interest, a strong City commitment, a growing office market, and the prospect of a renewed entertainment district all point to a significant potential for maintaining and increasing the CBD's already significant share of the regional shoppers' goods market (22.7% in 1977). The significant office, restaurant, and residential projects in the CBD support this conclusion (see Appendix 1). The success of these major public and private efforts at strengthening the central city, providing job opportunities, and meeting regional demand for retail and other services in a manner consistent with stated State and Federal policies (Appendix 3) would be jeopardized by the construction of the North Haven Mall.

The long-standing and well-documented public policy objective of revitalizing urban core areas (see Section V below and Appendix 3), and thus an important aspect of the public interest as articulated by the public's representatives, would thus be thwarted by the proposed mall. An objective appraisal of the CBD trends and prospects would have to conclude that CBD revitalization is clearly one component of a reasonably foreseeable alternative method of meeting the true level of public need for retail services in the New Haven region.

The applicant places great weight on the corporate strategies of the department store companies committed to locating in the proposal mall as if corporate strategies, which have been known to be in error (Permut, 1981), provide an adequate indication of the public interest that would be served by the proposal. In considering downtown New Haven as an alternative, the applicant offers no proof, other than assertions from the four department stores that are under contractual obligation to locate at the North Haven site, that department stores would not consider a downtown site -- particularly if the proposed North Haven Mall were not to proceed. Both Macy's and Penney's have recently committed to downtown stores in Stamford, and Sears anchors a downtown Bridgeport mall with Reads. The evidence on corporate strategy of selected department stores is therefore not a sound basis for defining alternatives for the Corps' purpose in judging the public interest.

In sum, each of the reasons given by the applicant for disqualifying the CBD alternative can be successfully rebutted. First, department store corporate strategies have been responsive to trends, including recent downtown revitalization efforts, and certainly are not etched in stone (Phillips/Norwalk, 1982; Sternlieb, 1981). Second, as the Rouse and Macy interest in downtown and the range of downtown projects recently completed, underway, or planned demonstate, the outlook for downtown retailing is far from bleak (unless, of course, the instant porposal proceeds). Third, under Federal and State law, the City is vested with extensive powers to acquire land and assemble sites quickly, construct parking facilities, issue debt, and obtain what grant monies are available (including Federal Urban Development Action Grants). All these powers were used in creating the retail facilities now in place. If fast-tracked, the time required for renovation and expansion of the New Haven retail core would be as fast or even faster than the time required for construction of a super-regional mall on 700,000 cubic yards of fill in a wetland. Fourth, while funding definitely presents a challenge

in that every successful downtown retail project in recent years has experienced a financing gap, the City can use both local debt and various kinds of State and Federal funds to bridge such a gap. Moreover, much of the public investment required in other urban situations is already in place in New Haven's CBD: structured parking, underground loading access, and large assemblies of land.

The issue before the Corps is not merely a question of competition among retail centers. The scale of the proposed mall is so far beyond the market demand that it is clear that it is designed not to compete, but to eliminate serious competition for regional shopping goods dollars. Markets, especially in real estate, often fail to achieve their imputed goal of efficient resource allocation. The appropriateness of public sector to prevent an undermining of the public interest is well-established and is in fact specifically authorized and required under law in this case.

B. More Modestly Scaled Mall

Another major alternative which should be evaluated as a possible complement to preservation of existing centers is a more modest scale mall modeled after the very successful Meriden Square Mall off Route 66 in Meriden. There are ample precedents for such a mall, which would be on the order of 600,000 square feet. The average size of 230 regional malls (350-849,000 square feet) built through 1978 was 549,000 square feet (Muller, in Sternlieb, 1981, p. 189). If the economic feasibility of a four department store mall is assured as the applicant has stated, a two anchor mall would also be feasible and meet the regional public need, albeit less profitable to the developers.

IV. Economic Impact

A. Introduction

As this discussion and the various technical memoranda will demonstrate, there is a reasonable probability that the proposed mall would have a major impact on existing retail centers in the region and on the ability of cities and towns to strengthen and revitalize their aging commercial areas and to provide essential public services. The project would cause significant regional shifts in employment, tax base and economic activity which would:

1. provide very little, if any, net new jobs while aggravating an already skewed regional income distribution (Chung, 1982);

2. lead to the decline of older commercial areas throughout the region;

3. reduce cities' and towns' ability to meet their increasing expenses in a time of dwindling State and Federal grants-in-aid (Chung, 1982);

4. reduce the effectiveness and service levels of the public transportation system by forcing adjustments which would spread dwindling resources over a broader area (Technical Memorandum #4);

5. undermine the public investment of over $300 million and even greater private investment in revitalizing the City of New Haven and its Central Business District over the last 25 years;

6. preclude any substantial new investment to expand or upgrade existing retail centers; and

7. be in conflict with numerous Federal and Connecticut legislative statements of commitment to conservation and revitalization of urban areas (Appendix 3).

This section of the comments will first challenge the basis of the applicant's assertions of minimal economic impact, and then outline a more likely regional scenario should the proposed mall be built (see Chung, 1982; Phillips/ Norwalk, 1982).

The applicant's entire discussion of impacts hinges on a report prepared for him by the consulting firm of Gladstone Associates, included as Appendix L in the DEIS.

Although the Gladstone Report is a comprehensive and thorough evaluation of regional economic and shoppers good sales trends, serious flaws render the report less than meaningful for an objective evaluation of the economic impact of the North Haven Mall. The report violates several axioms of retail market analysis and uses extensive repetition, incomplete framing of alternatives, selective emphasis of data favorable to its argument, and confusing formulas and tables in arguing its theme that the mall will have no significant impact on existing retail centers. Following is an analysis of the report's major flaws.

B. <u>Regional Economic Activity Without the North Haven Mall (Baseline Conditions)</u>

An essential first step in measuring the full economic impact of the North Haven Mall is the estimation of what

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would occur without it -- the so-called baseline conditions. As the degree of impact and any judgement about its significance are very sensitive to assumptions about the underlying baseline conditions, careful and accurate estimation of present and projected baseline conditions is essential.

1. Regional Sales Flow Analysis

In Appendix L, Gladstone Associates establishes their baseline conditions in a 504 cell sales flow matrix featuring 18 sales origins and 28 sales destinations. The basic components of their methodology are presented in Section III.D of their report and summarized succinctly in the comments on the report by Real Estate Research Corporation (RERC, 1981, pp. 2-6, attached as Appendix 10). Using control totals for 1977 sales by town and major retail centers from the U.S. Census and numerous tools of the market analysis trade, this matrix estimates the flow of shoppers' goods sales from each major retail center in, or within reasonable driving distance of, the region and to each other town in the region. Information used in distributing sales were: shopper's surveys, Conn DOT short purchase trip "data" describing trip-making behavior between towns, the location and attractiveness of competitive centers, major highway routes, and estimated driving time. Once a matrix of sales flows was created based on this information, "marginal adjustments" were made after a test of "reasonableness" of the values of the matrix and then cell values were adjusted where required (from 0-5%) to meet the control totals for sales by center and town from the Census (Gladstone, p. 190).

While any attempt at a detailed tracking of sales flows like this is a crude estimate at best, it is incumbent upon the analyst, and any permitting authority using such information, to understand and present the true level of reliability of the information so that it may be judged and used accordingly. The Gladstone report fails to provide any measures of the statistical accuracy of the sales flow matrix as a representation of actual sales flows in the region in 1977.

Because this 1977 sales flow matrix was used to produce 1985 and 1990 baseline sales flows in the region, which are even more speculative and against which the proposed mall's impact was measured, the entire economic impact analysis hinges on the accuracy of this one 1977 sales flow matrix (Gladstone, p. 54). A detailed review of the sales flow matrix reveals serious inconsistencies and many undocumented

assumptions. Based on this review, it is our considered judgement that it would be irresponsible to assert that this matrix represents actual sales flow for 1977 or to use it as such.

While this quality of analysis ("conventional and professionally accepted retail analytic techniques", p. 22) may be adequate to advise a mall developer of market opportunities, it should not be accepted uncritically in a review process which is addressing questions far broader than potential profitability. The question before the Army Corps is "would the issuance of a permit to allow construction of this mall as proposed be in the public interest as broadly defined by applicable Federal regulations?" In an attempt to answer this broader question, Gladstone has taken conventional market analysis (which does not need to and never claimed to represent actual sales flows to this level of detail -- its purpose is to demonstrate sufficient demand) beyond its limits. As we shall demonstrate below, Gladstone uses some questionable analytic techniques which suggests that their results be reviewed critically -- their objectivity and usefulness in assessing probable economic impact of the proposed mall are extremely limited.

Specific problems with the matrix are detailed below after a more general discussion of the role of the New Haven CBD in the region.

2. Role of New Haven Central Business District

An important element of the baseline conditions which is central to the discussion of economic impact is the status and prospects for New Haven's downtown retail sector. This section will review the trade area and trends in retail sales for the New Haven Central Business District (CBD) in relation to the competing retail centers in and outside the New Haven metropolitan area, as portrayed in the sales flow matrix and discussed by Gladstone. This analysis will show that the Gladstone Report selectively reports data and systematically understates the importance of the CBD as a regional retail center in order to support its assertion that the proposed mall will have negligible impact on the CBD and other regional centers. Gladstone portrays the proposed mall as merely another kick to a patient that was dying anyway. The evidence suggests that while the patient may be sick, recovery is underway and fully anticipated. The proposed mall not only has the potential to prevent that recovery, but could deal a life-threatening blow.

Accurate projection of economic conditions and retail sales in this time of economic uncertainty is extremely difficult. In using a simple, modified trend-line projection of CBD sales volumes to 1985 and 1990, however, without regard to major efforts underway to improve CBD retail sales and demonstated interest on the part of retail developers, Gladstone has underestimated the sales base from which any transfer will be deducted and has implicitly pre-judged the success of those efforts. The Gladstone Report sets the tone of its analysis on page 3 with the statement: "downtown's primary trade area has become increasingly constricted, focusing in large measure on the city itself with some extensions into close-in areas of nearby suburban towns." A careful review of the U.S. Census data, Gladstone's 1977 sales flow estimates, and the shopper survey results provide a picture at odds with this assessment. The sales analysis reveals that:

- Downtown New Haven captured 22.4% of regional shoppers' goods purchasing power in 1977 while the City as a whole captured 35.6% -- a major share of the regional market. (These figures reflect the fact that several regionally important retail centers -- including the Yale Co-Op and environs and Westville Village -- are within New Haven, but outside the CBD as defined by the Census.) This high regional market share in relation to comparably-sized SMSAs in the northeast (see Table 1) reflects both New Haven's central location in relation to regional population and its efforts at revitalizing its retail core during the 1960's with extensive Federal assistance.

- Even in Gladstone's estimation:

  -- 21.8% of CBD sales came from beyond what they identify as its primary market area (p. 28).

  -- Of the $95 million in sales that flowed into the region from outside in 1977, 19% were attracted to the City of New Haven (p. 54).

  -- The CBD captured 42.3% of sales going to major centers in the region in 1977 (p. 54).

- The downtown offers the largest selection of shopping opportunities in the region and specializes in shoppers' goods. According to the last U.S. Census, there were 120 shoppers' goods stores

in the CBD in 1977 which accounted for 80.8% of the total CBD sales. This represents a higher concentration in shoppers' goods than any other comparably-sized CBD in the northeast (see Table 2). The comparable figure for the region is 35.1%. Hamden's Magic Mile by contrast is oriented more toward convenience and retail food purchases -- 53% of its sales were in the shoppers' goods category. The projection for the proposed mall is that about 72% of the sales would be in shoppers' goods, although this figure is underestimated (Gladstone, p. 172, Phillips, 1982).

The Gladstone shoppers' surveys at Hamden's Magic Mile and at Meriden Square Mall also reveal some interesting results about the regional importance of the New Haven CBD which conflict directly with statements and assumptions built into Gladstone's analysis elsewhere in the report. To the extent these limited and unscientific surveys (Permut, 1981; Horvath, 1981; Phillips/Norwalk, 1982) are used to identify trade areas and distribute sales, the data should not be used selectively. Specifically, in the Hamden survey, fully 35.7% of those surveyed mentioned the CBD as a place they frequently shop -- more than any other center -- and 26.8% of those were not from the CBD primary trade area identified by Gladstone. One interesting result was the responses from Cheshire residents -- 7.6% of those surveyed came from Cheshire, so Gladstone assumed in their sales flow analysis that approximately that percent of the Magic Mile's sales came from Cheshire. But 83.3% of these Cheshire respondents also said they shopped frequently in the New Haven CBD. Cheshire is included in Hamden's primary trade area and not even included in the CBD's secondary trade area.

Gladstone asserts that Cheshire residents spend only 4.2% of their shoppers' goods purchasing power in the CBD in 1977 despite these survey results. In contrast, they say 20.5% of Cheshire demand went all the way up to the West Farms Mall and 22.6% went to Hamden's Magic Mile -- this despite the survey results which show that of the 17 Cheshire residents surveyed at random at Meriden Square and Hamden, four at Meriden and none at Hamden mentioned the West Farms Mall as a frequent shopping place and two at Meriden and ten at Hamden frequently shop the CBD.

The Meriden Square shoppers survey also provides some interesting insights into the New Haven CBD market penetration. Among those surveyed, the CBD was second after West

TABLE 2 CONCENTRATION OF TOTAL RETAIL AND SHOPPERS GOODS SALES
IN 21 EASTERN METROPOLITAN AREAS, 1977
(AREAS IN WHICH CENTRAL CITY POPULATION IS BETWEEN 100,000 AND 242,000)
(ALL SALES IN THOUSANDS OF 1977 DOLLARS)

PART I: SHOPPERS GOODS SALES (1)

METROPOLITAN AREA (CENSUS SMSA)	1980 POPULATION: METRO AREA	1980 POPULATION: CENTRAL CITIES	1980 POPULATION: CITY PERCENT OF METRO AREA	SHOPPERS GOODS (GAF) SALES: METRO AREA	SHOPPERS GOODS (GAF) SALES: CENTRAL CITIES	SHOPPERS GOODS (GAF) SALES: CENTRAL BUSINESS DISTRICT	SHOPPERS GOODS (GAF) SALES: CBD SHARE OF METRO SALES	SHOPPERS GOODS (GAF) SALES: CITY SHARE OF METRO SALES	SHOPPERS GOODS (GAF) SALES: CBD SHARE OF CITY SALES	COEFFICIENT MEASURING CONCENTRATION OF METROPOLITAN SHOPPERS GOODS SALES IN THE CBD(2)	METROPOLITAN SHOPPERS GOODS SALES PER CAPITA
CONNECTICUT											
NEW HAVEN	417592	126109	30.20	350292	124701	78451	22.40	35.60	62.91	74.16	836.54
BRIDGEPORT	393658	191647	48.68	332613	160338	60372	18.15	48.21	37.65	37.28	844.53
HARTFORD	726114	136392	18.78	464254	118482	88999	13.40	17.84	75.12	71.33	914.81
STAMFORD	198854	102453	51.52	222827	132600	58388	26.20	59.51	44.03	50.86	1120.56
MASSACHUSETTS											
SPRINGFIELD	530568	252109	47.52	398545	NA	50233	12.60	NA	NA	26.53	75.17
WORCHESTER	372940	161799	43.38	317133	163311	97747	30.82	51.50	59.85	71.04	953.36
NEW YORK											
ALBANY	795019	226337	28.47	616480	167150	64781	10.51	27.11	38.76	36.91	[illegible]
SYRACUSE	642375	170105	26.48	454943	119295	58746	12.91	26.22	49.24	48.76	[illegible]
ROCHESTER	971879	241741	24.87	732583	190992	82300	11.23	26.07	43.09	45.17	[illegible]
RHODE ISLAND											
PROVIDENCE	919216	228008	24.80	693690	NA	56264	8.11	NA	NA	32.70	754.65
NEW JERSEY											
TRENTON	307863	92124	29.92	295287	45839	18529	6.27	15.52	40.42	20.97	[illegible]
PATTERSON	447585	137970	30.83	508638	62369	41790	8.22	12.26	67.00	26.65	1136.[illegible]
PENNSYLVANIA											
ERIE	279780	119123	42.58	234895	NA	24253	10.33	NA	NA	24.25	839.57
ALLENTOWN	636714	200184	31.44	536084	NA	114397	21.34	NA	NA	67.87	841.95
OHIO											
AKRON	660328	237177	35.92	539847	283352	39725	7.36	52.49	14.02	20.49	817.57
CANTON	404421	94730	23.42	359171	119027	15396	4.29	33.14	12.93	18.30	888.11
DAYTON	830070	203588	24.53	795805	173414	81982	10.30	21.79	47.28	42.00	958.72
YOUNGSTOWN	531350	172065	32.38	511036	NA	50814	9.94	NA	NA	38.71	961.77
DELAWARE											
WILMINGTON	524108	70195	13.39	497460	86356	42034	8.45	17.36	48.68	63.09	949.16
VIRGINIA											
RICHMOND	632015	219214	34.68	592553	261202	93258	15.74	44.08	35.70	45.38	937.[illegible]
ROANOKE	224548	100427	44.72	227137	174331	35840	15.78	76.75	20.56	35.28	1011.53
AVERAGE OF 21 AREAS	545095	165881	32.79	470538	NA	59729	13.54	NA	NA	42.37	886.39

NOTES
1) SHOPPERS GOODS INCLUDE THE RETAIL CATEGORIES OF GENERAL MERCHANDISE, APPAREL AND ACCESSORIES, AND FURNITURE (CATEGORY LABELED "GAF" IN CENSUS OF RETAIL TRADE REPORT "MAJOR RETAIL CENTERS")
2) THIS COEFFICIENT ADJUSTS SHARE FOR POPULATION OF CITY IN RELATION TO METROPOLITAN POPULATION. THIS VALUE IS CBD SHARE OF METRO SHOPPERS GOODS SALES DIVIDED BY CITY SHARE OF METROPOLITAN POPULATION. THE HIGHER THE VALUE, THE MORE CONCENTRATED ARE SHOPPERS GOODS SALES IN THE CBD.

** SOME SMSAS CONTAIN SEVERAL CENTRAL CITIES AND CBDS WHICH HAVE BEEN AGGREGATED FOR THE PURPOSES OF THIS ANALYSIS. THESE INCLUDE: SPRINGFIELD(CHICOPEE & HOLYOKE INCLUDED), ALLENTOWN(BETHLEHEM & EASTON INCLUDED), YOUNGSTOWN(WARREN INCLUDED), ALBANY(TROY & SCHENECTEDY INCLUDED), BRIDGEPORT(MILFORD INCLUDED), AND PROVIDENCE(PAWTUCKET INCLUDED).

SOURCE: U S CENSUS OF RETAIL TRADE, 1977

TABLE 2 CONCENTRATION OF TOTAL RETAIL AND SHOPPERS GOODS SALES
IN 21 EASTERN METROPOLITAN AREAS. 1977
(AREAS IN WHICH CENTRAL CITY POPULATION IS BETWEEN 100.000 AND 242.000)
(ALL SALES IN THOUSANDS OF 1977 DOLLARS)

PART II: TOTAL RETAIL SALES

METROPOLITANN AREA (CENSUS SMSA)	TOTAL RETAIL SALES			CBD SHARE OF METRO	COEFFICIENT MEASURING CONCENTRATION OF METROPOLITAN RETAIL SALES IN CBD(3)	SHOPPEERS GOODS SALES AS PERCENT OF TOTAL SALES			COEFFICIENT MEASURING SPECIALIZATION OF CBD IN SHOPPERS GOODS RELATIVE TO METRO AREA (4)
	SMSA	CITIES	CBD			METRO AREA (%)	CENTRAL CITIES (%)	CBD (%)	
CONNECTICUT									
NEW HAVEN	1305022	NA	98003	7.51	24.87	26.84	NA	80.05	298.23
BRIDGEPORT	1293841	644394	113795	8.80	18.07	25.71	24.88	53.05	206.37
HARTFORD	2498521	400987	115298	4.61	24.57	26.59	29.55	77.19	290.34
STAMFORD	839539	NA	76946	9.17	17.79	26.54	NA	75.88	285.90
MASSACHUSETT									
SPRINGFIELD	1660359	887528	103488	6.23	13.12	24.00	NA	48.54	202.22
WORCHESTER	1197613	600495	140006	11.69	26.95	26.48	27.20	69.82	263.65
NEW YORK									
ALBANY	2444454	724057	112219	4.59	16.13	25.22	23.09	57.73	228.70
SYRACUSE	1951676	559503	88428	4.53	17.11	23.31	21.32	66.43	285.00
ROCHESTER	3039848	754312	156741	5.16	20.73	24.10	25.32	52.51	217.88
RHODE ISLAND									
PROVIDENCE	2724062	NA	81926	3.01	12.12	25.47	NA	68.68	269.67
NEW JERSEY									
TRENTON	1033635	169405	32874	3.18	10.63	28.57	27.04	54.36	197.30
PATERSON	1446357	232178	60824	4.21	13.64	35.17	26.86	68.70	195.37
PENNSYLVANIA									
ERIE	859650	365409	43903	5.11	11.99	27.32	NA	55.24	202.17
ALLENTOWN	2073481	792902	196347	9.47	30.12	25.85	NA	58.26	225.35
OHIO									
AKRON	2289748	937735	63165	2.86	7.96	24.43	30.22	62.89	257.42
CANTON	1372880	446663	68221	4.97	21.21	26.16	26.65	22.57	86.26
DAYTON	2817458	601822	107818	3.83	15.60	28.25	28.81	76.04	269.20
YOUNGSTOWN	1745296	562162	79184	4.54	14.01	29.28	NA	64.17	219.16
DELAWARE									
WILMINGTON	1771847	NA	73702	4.16	31.06	28.08	NA	57.03	203.14
VIRGINIA									
RICHMOND	2148381	962637	130919	6.09	17.57	27.58	27.13	71.23	258.27
ROANOKE	NA	NA	48792	NA	NA	NA	NA	73.45	NA
AVERAGE OF 21 AREAS	NA	NA	94886	NA	NA	NA	NA	62.66	233.09 (20 AREAS)

NOTES: 3) THIS COEFFICIENT ADJUSTS SHARE FOR POPULATION OF CITY IN RELATION TO METROPOLITAN POPULATION
THIS VALUE IS CBD SHARE OF METRO RETAIL SALES DIVIDED BY CITY SHARE OF METROPOLITAN POPULATION
THE HIGHER THE VALUE. THE MORE CONCENTRATED ARE RETAIL SALES IN THE CBD.
4) THIS VALUE IS THE PERCENTAGE OF CBD RETAIL SALES WHICH ARE SHOPPERS GOODS DIVIDED BY THE PERCENTAGE
OF METROPOLITAN SALES WHICH ARE SHOPPERS GOODS. THE HIGHER THE COEFFICIENT. THE MORE SPECIALIZED
IS THE CBD IN SHOPPERS GOODS RELATIVE TO THE METROPOLITAN AREA.

** SOME SMSAS CONTAIN SEVERAL CENTRAL CITIES AND CBDS WHICH HAVE BEEN AGGREGATED FOR THE PURPOSES OF THIS ANALYSIS.
THESE INCLUDE SPRINGFIELD(CHICOPEE & HOLYOKE INCLUDED). ALLENTOWN(BETHLEHEM & EASTON INCLUDED). YOUNGSTOWN(WARRE
ALBANY(TROY & SCHENECTEDY INCLUDED). BRIDGEPORT(MILFORD INCLUDED). AND PROVIDENCE(PAWTUCKET INCLUD

SOURCE: U.S CENSUS OF RETAIL TRADE. 1977

Responses to the question where else do you freqently shop are hard to interpret and would not be a significant basis for allocating sales, but they do provide an indication of shopper loyalty and shopping patterns. However, the technical market analysis commissioned by the City and discussed below actually arrived at a distribution of CBD sales by town of origin very similar to the Gladstone figures with a share of sales coming from the northern suburban towns only 5% higher (Phillips/Norwalk, 1982, p. 22).

To the extent Gladstone underestimates the portion of New Haven's sales presently coming from the northern portion of its market area in their 1977 sales flow matrix and overstates the market shares of non-SMSA centers, their entire analysis will understate the proposed mall's impact on CBD sales. While raising questions about the Gladstone figures, all the points raised suggest far greater overlap in the CBD and proposed mall market areas than is assumed by Gladstone.

Another potentially significant source of error in the sales flow matrix (beyond the selective use of interview data, the many "adjustments", and the extensive application of personal judgements of the analysts) is the use of Conn DOT short trip "data". This subject is discussed in the technical memoranda prepared by Dr. Stephen Putman and the Phillips/Norwalk Co. The short purpose trip information referred to is actually "synthetic" data in that the number of trips from zone to zone within the region were estimated based on population and economic activity in each zone and people's propensity to travel over distance. The distribution of trip lengths used by Gladstone was estimated based on state-wide 1964 home interview data and merged eight short trip purposes. (Personal communications with Steward Leland, Connecticut DOT, February, 1982.) Serious questions have been raised about the validity of relying on this data to distribute sales, an approach which RERC described as "creative" (RERC, 1981; Phillips, 1982). Dr. Putman's analysis used the latest, 1976 home interview data in determining trip-making behavior and looked specifically at shopping trip distributions.

C. Regional Economic Activity With the North Haven Mall

1. Gladstone Analysis of Sales Flows and Transfers

In Gladstone's terms, the regional sales distribution with the proposed mall is the "incremental supply condition".

Through their retail analysis methodology, Gladstone attempts to evaluate the economic impact of the mall by identifying the source of the projected sales at the mall -- whether they represent:

1. recapture of "leakage" -- sales currently flowing to centers and towns outside the region;

2. improved inflow -- new sales attracted into the region by the mall; or

3. transfer -- transfer of sales currently going to other centers and towns in the region.

The most central question in the whole discussion of economic impact is that of transfer sales -- to what extent will the mall rely on or precipitate a transfer of sales away from existing retail concentrations in the region. This central question, however, is the Gladstone study's major weakness. The following discussion, based on City staff analysis and Technical Memorandum #1 (Retail Market Impact, Proposed North Haven Mall, by Phillips/Norwalk Company), indicates how the Gladstone report fails to adequately address the issue of transfer sales.

We note here that pp. 201-205 of the Retail Methodology which are required to gain a full understanding of the approach were made available to the City of New Haven for the first time in the DEIS. They apparently were added in response to comments on an earlier draft during 1981, especially those from RERC. While these pages do clarify the methodology, they also expose its major flaws as detailed here and below.

In Attachment D of the Gladstone Report, Methodology for Retail Analysis, the authors explain how transfer sales were estimated. First, mall sales were estimated based on average productivity of regional shopping malls, without regard to the potential of the underserved New Haven market area. RERC points out that use of an average annual sales per square foot figure of $107, slightly above the industry median, is arbitrary and without foundation -- sales projections must be made with reference to the market area. They state: "North Haven Mall sales above industry medians would not be unusual; available data indicate that mall sales vary widely." In an industry survey, ten percent of malls had 1977 sales above $145.34 per square foot (45 percent above the median) (RERC, 1981, p. 7). Use of this undocumented assumption introduces the possibility of significant underestimation of mall sales and impact.

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Total sales are divided into its component parts -- leakage recapture, improved inflow, and transfer. Recapture and inflow are estimated first, then transfer is simply the remainder as illustrated in the following formula (p. 201) which is presented along with Gladstone's estimates for 1985 and 1990 under the 0% annual income growth scenario (in millions of dollars):

	Total Mall Sales	-	(	Leakage Recapture	+	Improved Inflow	)	=	Transfer Sales
1985:	85.0	-	(	40.4	+	15.5	)	=	29.1
1990:	85.0	-	(	41.2	+	17.3	)	=	26.5

Here again, RERC raised serious questions about the methodology which were not answered in subsequent drafts of the report. They point out that there is no relationship, as implied by this formula, between leakage recapture, improved inflow, and transfer. The formula suggests that to the extent inflow is improved, transfer would be reduced as if there is some cap placed on total mall sales potential. RERC states:

> "These two components are not, however, related to each other. There is no reason that the mall could not capture substantial sales that would otherwise have gone outside the SMSA and <u>also</u> capture substantial sales that would otherwise have gone to the CBD. If anything, a mall attractive enough to capture a high percentage of purchases that would otherwise have been made outside of the SMSA is also likely to capture substantial sales from SMSA shopping areas and to have sales greater than industry medians." (p. 7)

<u>Allocation of Transfer Sales</u>

Even if one accepted this approach thus far, the major question is how this transfer portion of mall sales is allocated among existing centers. The approach chosen by Gladstone is seriously flawed and leads to a grossly understated sales transfer especially from centers close to the proposed mall such as the New Haven CBD and Hamden's Magic Mile. On page 198 of Appendix L the authors ask the following questions as an illustration of how sales impact will be evaluated:

> "given a baseline sales flow of $6.6 million from the town of North Haven to the New Haven CBD (under Scenario 2, 1% income growth), what is the competitive relationship between the proposed North Haven Mall and the New

Haven CBD in terms of travel distance from North Haven, accessibility, and type and variety of retail services? Further, if the North Haven Mall is implemented, what percentage of those sales currently flowing from the town of North Haven to the CBD would be diverted to the North Haven Mall?"

These are indeed the key questions, and the formula used to allocate the transfer ignores the very factors identified above, most notably travel time (Phillips/Norwalk, 1982). The key formula is on page 202, and the authors do not run through any numerical examples to illustrate how the formula works to allocate sales as they do with other formulas in the report. One cannot help but conclude that this and the use of the unnecessarily complex mathematical notation is a deliberate attempt to obfuscate and mask the deficiencies of the formula. After explaining the formula, we will run through the numbers for the example quoted above. The formula is:

$$\#2 \quad T_{ci} = T_m \frac{B_{ci}}{\sum_{i=1}^{306} B_{ci}}$$

Where

T_{ci} = Transfer sales for cell i in each matrix;

T_m = Total metro transfer sales; and

B_{ci} = Baseline sales value for cell i in each matrix.

The formula is more intelligible if the definitions are plugged in directly:

$$\text{Transfer sales for cell i} = \begin{pmatrix}\text{Total metro}\\ \text{transfer}\\ \text{sales}\end{pmatrix} \times \frac{\text{Baseline sales (without mall) in cell i}}{\text{Total regional baseline sales}}$$

Each cell in the sales flow matrix represents the sales flowing from one of 19 origins (cities and towns) to one of 28 destinations (retail centers and towns). Since for any given scenario and year (say scenario 1, 1985), the total metro transfer sales is a given (or a remainder) and the total baseline sales is fixed, the only variable is the

baseline sales in cell i which is multiplied by a fixed fraction to derive the transfer it will suffer. In other words, this says that each regional center will suffer a transfer of sales to the mall in the same fixed proportion to its existing sales without regard to the origin of those sales in relation to the location of the North Haven Mall (see Table 3). This assumption produces many untenable conclusions (see Phillips/Norwalk, 1981, pp. 1-9).

Take the example cited by Gladstone -- transfer from the cell displaying sales originating in North Haven and going to downtown New Haven, say under scenario 1 in 1985.

Without the mall, this figure would be $5.95 million (p. 214). Using this transfer allocation formula, a mere 9.8% of this, or $583,000, will be diverted to the local 1.16 million square foot North Haven Mall with four major department stores (p. 235) and over $5.36 million will continue to be spent in downtown New Haven seven miles to the south. The same 9.8% transfer figure is applied to sales from West Haven now going to downtown even though it is on the other side of downtown from the new mall and to sales from Wallingford, even though the CBD is three times farther than the mall would be.

In fact, the only reason the overall transfer percentage from an existing center to the mall vary from center to center is the bold assumption that "any sales coming to metro locations from other towns would not be impacted" (emphasis theirs) (p. 203). That is to say, for instance, that 100% of the sales now coming from Prospect or Killingworth to New Haven will still come to New Haven after the North Haven Mall is built -- passing right by the mall. Thus, the higher overall transfer from New Haven sales than from other center's sales reflects in Gladstone's analysis only its higher reliance on regional sales than is the case in other centers. To the extent that any particular definition of a region is arbitrary, this whole approach is questionable.

This approach to transfer leads to numerous illogical and nonsensical results which subsequently are built into the major conclusions about retail sales impact. These errors in retail sales impact were incorporated into the draft Environmental Impact Statement where they in turn caused errors in the analysis of fiscal impacts, employment impacts, and transportation requirements (to the extent this is based on the Gladstone assumption about where shoppers are coming from) (see Chung, 1982).

TABLE 3 GLADSTONE ASSOCIATES ESTIMATES OF THE IMPACT OF THE PROPOSED MALL ON EXISTING RETAIL CENTERS

DOWNTOWN NEW HAVEN

A) DOWNTOWN NEW HAVEN SALES WHICH WOULD BE TRANSFERED TO THE PROPOSED NORTH HAVEN MALL. BY TOWN. IN 1985 ACCORDING TO GLADSTONE ASSOCIATES (SCENARIO 1. 0% INCOME GROWTH) (IN THOUSANDS OF CONSTANT 1977 DOLLARS)

ORIGIN OF SALES: ALL THE PEOPLE LIVING IN THIS TOWN	HAVE THIS MUCH TO SPEND ON SHOPPERS GOODS ** (PURCHASING POWER)	DESTINATION OF SALES: THEIR SALES TO DOWNTOWN NEW HAVEN WITHOUT MALL WOULD BE:	SALES WHICH WOULD BE DIVERTED TO THE MALL	THEIR SALES TO DOWNTOWN NEW HAVEN WITH THE MALL WOULD BE:	PERCENT OF THEIR DOWNTOWN NEW HAVEN SALES TRANSFERRED TO THE MALL	PERCENT OF TOWN'S PURCHASING POWER WHICH WOULD BE SPENT IN DOWNTOWN NEW HAVEN (MARKET SHARE): WITHOUT MALL(%)	WITH MALL(%)	PERCENT OF DOWNTOWN SALES COMING FROM EACH TOWN IN REGION AND FROM OUTSIDE THE REGION: WITHOUT MALL(%)	WITH MALL(%)
SMSA TOWNS									
NORTH HAVEN	22369	5949	583	5366	9.80	26.59	23.99	8.15	[illegible]
NEW HAVEN	90702	30942	3034	27908	9.81	34.11	30.77	42.39	[illegible]
WALLINGFORD	31735	964	95	869	9.85	3.04	2.74	1.32	[illegible]
HAMDEN	45242	5848	573	5275	9.80	12.93	11.66	8.01	[illegible]
NORTH BRANFORD	9264	1053	103	950	9.78	11.37	10.25	1.44	[illegible]
EAST HAVEN	17442	5495	539	4956	9.81	31.50	28.41	7.53	[illegible]
BETHANY	4897	1311	129	1182	9.84	26.77	24.14	1.80	[illegible]
WOODBRIDGE	13154	1268	124	1144	9.78	9.64	8.70	1.74	[illegible]
ORANGE	16523	1210	119	1091	9.83	7.32	6.60	1.66	[illegible]
WEST HAVEN	41178	8142	798	7344	9.80	19.77	17.83	11.15	[illegible]
BRANFORD	21671	3821	375	3446	9.81	17.63	15.90	5.23	[illegible]
GUILFORD	16675	1337	131	1206	9.80	8.02	7.23	1.93	[illegible]
MADISON	14432	1169	115	1054	9.84	8.10	7.30	1.60	[illegible]
CLINTON	9263	78	8	70	10.26	0.84	0.76	0.11	[illegible]
SUBTOTAL	354547	68587	6724	61861	9.81	19.34	17.45	93.95	[illegible]
NON-SMSA TOWNS									
DURHAM	4651	0	0	0	0	0	0	0	0
MIDDLEFIELD	3706	0	0	0	0	0	0	0	0
MERIDEN	44163	0	0	0	0	0	0	0	0
CHESHIRE	22226	813	80	733	9.84	3.66	3.30	1.11	[illegible]
SUBTOTAL	74746	813	80	733	9.84	1.09	0.98	1.11	[illegible]
TOTAL	429293	69400	6806	62594	9.81	16.17	14.58	95.07	[illegible]
OTHER NON-SMSA		3600	0	3600	0	NA	NA	4.93	[illegible]
TOTAL CENTER		73000	6806	66194	9.32	NA	NA	100.00	100.00

INTERESTING POINTS: 1) THE PERCENT OF SALES TRANSFERED IS CONSTANT WITHOUT REGARD TO LOCATION OF TOWN RELATIVE TO PROPOSED MALL AND DOWNTOWN
2) 90% OF THE SALES COMING TO THE DOWNTOWN FROM WALLINGFORD AND NORTH HAVEN WILL CONTINUE TO COME DOWNTOWN AFTER THE MALL IS BUILT.

NOTES

** SHOPPERS GOODS INCLUDE THE RETAIL CATEGORIES OF GENERAL MERCHANDISE. APPAREL AND ACCESSORIES.FURNITURE. AND MISC. SHOPPERS GOODS
COLUMN TOTALS MAY BE OFF SLIGHTLY DUE TO ROUNDING
SOURCE: APPENDIX L. ECONOMICS AND LAND USE. PREPARED FOR MALL PROPERTIES. INC. GLADSTONE ASSOCIATES

TABLE . GLADSTONE ASSOCIATES ESTIMATES OF THE IMPACT OF THE PROPOSED MALL ON EXISTING RETAIL CENTERS

. EN
MAGIC MILE

B) HAMDEN MAGIC MILE SALES WHICH WOULD BE TRANSFERED TO
THE PROPOSED NORTH HAVEN MALL. BY TOWN. IN 1985
ACCORDING TO GLADSTONE ASSOCIATES (SCENARIO 1, 0% INCOME GROWTH)
(IN THOUSANDS OF CONSTANT 1977 DOLLARS)

ORIGIN OF SALES		DESTINATION OF SALES								
ALL THE PEOPLE LIVING IN THIS TOWN	HAVE THIS MUCH TO SPEND ON SHOPPERS GOODS ** (PURCHASING POWER)	THEIR SALES TO HAMDEN MAGIC MILE WITHOUT MALL WOULD BE:	SALES WHICH WOULD BE DIVERTED TO THE MALL	THEIR SALES TO HAMDEN MAGIC MILE WITH THE MALL WOULD BE:	PERCENT OF THEIR HAMDEN MAGIC MILE SALES TRANSFERRED TO THE MALL	PERCENT OF TOWN'S PURCHASING POWER WHICH WOULD BE SPENT IN HAMDEN MAGIC MILE (MARKET SHARE)		PERCENT OF MAGIC MILE SALES COMING FROM EACH TOWN IN REGION AND FROM OUTSIDE THE REGION	
SMSA TOWNS						WITHOUT MALL(%)	WITH MALL(%)	WITHOUT MALL(%	WITH MALL(%
NORTH HAVEN	22369	5703	559	5144	9.80	25 50	23 00	10 33	10 22
NEW HAVEN	90702	8541	837	7704	9.80	9.42	8.49	15 47	15 29
WALLINGFORD	31735	7534	739	6795	9.81	23.74	21.41	13 65	13 50
HAMDEN	45242	20370	1998	18372	9 81	45.02	40.61	36 [illegible]	36 49
NORTH BRANFORD	9264	1126	110	1016	9.77	12.15	10 97	2.04	2 02
EAST HAVEN	17442	1426	140	1286	9.82	8 18	7.37	2 58	2 55
BETHANY	4897	791	78	713	9.86	16.15	14.56	1 43	1 42
WOODBRIDGE	13154	352	35	317	9.94	2.68	2.41	0 64	0 63
ORANGE	16523	337	33	304	9.79	2.04	1 84	0 61	0 61
WEST HAVEN	41178	579	57	522	9.84	1.41	1 27	1 05	1 04
BRANFORD	21671	1508	148	1360	9.81	6.96	6.28	2 73	2 70
GUILFORD	16675	395	39	356	9.87	2.37	2.13	0 72	0 71
MADISON	14432	0	0	0	0	0	0	0	0
CLINTON	9263	0	0	0	0	0	0	0	0
SUBTOTAL	354547	48662	4773	43889	9.81	13.73	12.38	88 16	87 17
NON-SMSA									
DURHAM	4651	0	0	0	0	0	0	0	0
MIDDLEFIELD	3706	0	0	0	0	0	0	0	0
MERIDEN	44163	350	34	316	10	1	1	1	1
CHESHIRE	22226	4881	479	4402	9.81	21 96	19.81	8 84	8 74
SUBTOTAL	74746	5231	80	5151	1.53	7.00	6.89	9 48	11 23
TOTAL	429293	53893	4853	49040	9.00	12.55	11.42	97.63	97 40
OTHER NON-SMSA		1307	0	1307	0	NA	NA	2.37	2 60
TOTAL CENTER		55200	4853	50347	8 79			100 00	100 00

INTERESTING POINTS: 1)ASSUMES TOTAL TRANSFER OF ONLY $6.2 MILLION WHEN THE MAJOR ANCHOR. SEARS. IS RELOCATING TO THE MALL
SEARS SALES IN 1981 WERE ABOUT $16 MILLION (IN 1981 DOLLARS) ACCORDING TO THE PHILLIPS/NORWALK REPORT
2)90% OF SALES ORIGINATING IN NORTH BRANFORD WILL CONTINUE TO FLOW TO THE MAGIC MILE. PASSING THE MALL AND
THE RELOCATED SEARS.

NOTES

** SHOPPERS GOODS INCLUDE THE RETAIL CATEGORIES OF GENERAL MERCHANDISE. APPAREL AND ACCESSORIES.FURNITURE. AND MISC. SHOPPERS GOODS
COLUMN TOTALS MAY BE OFF SLIGHTLY DUE TO ROUNDING
SOURCE: APPENDIX L. ECONOMICS AND LAND USE. PREPARED FOR MALL PROPERTIES. INC. GLADSTONE ASSOCIATES

TABLE 3 GLADSTONE ASSOCIATES ESTIMATES OF THE IMPACT OF THE PROPOSED MALL ON EXISTING RETAIL CENTERS

WHITE ACRES

C) WHITE ACRES CENTER SALES WHICH WOULD BE TRANSFERED TO THE PROPOSED NORTH HAVEN MALL, BY TOWN, IN 1985 ACCORDING TO GLADSTONE ASSOCIATES (SCENARIO 1, 0% INCOME GROWTH) (IN THOUSANDS OF CONSTANT 1977 DOLLARS)

ORIGIN OF SALES	DESTINATION OF SALES								
ALL THE PEOPLE LIVING IN THIS TOWN: SMSA TOWNS	HAVE THIS MUCH TO SPEND ON SHOPPERS GOODS ** (PURCHASING POWER)	THEIR SALES TO WHITE ACRES WITHOUT MALL WOULD BE:	SALES WHICH WOULD BE DIVERTED TO THE MALL	THEIR SALES TO WHITE ACRES WITH THE MALL WOULD BE:	PERCENT OF THEIR WHITE ACRES SALES TRANSFERRED TO THE MALL	PERCENT OF TOWN'S PURCHASING POWER WHICH WOULD BE SPENT AT WHITE ACRES (MARKET SHARE)		PERCENT OF WHITE AC SALES COMING FROM EACH TOWN IN REGION (BASED ONLY ON SALES COMING FROM 18 TOWNS)	
						WITHOUT MALL(%)	WITH MALL(%)	WITHOUT MALL(%)	WITH MALL(%)
NORTH HAVEN	22369	138	14	124	10.14	0.62	0.55	NA	NA
NEW HAVEN	90702	2191	215	1976	9.81	2.42	2.18	NA	NA
WALLINGFORD	31735	74	7	67	9.46	0.23	0.21	NA	NA
HAMDEN	45242	390	38	352	9.74	0.86	0.78	NA	NA
NORTH BRANFORD	9264	45	4	41	8.89	0.49	0.44	NA	NA
EAST HAVEN	17442	241	24	217	9.96	1.38	1.24	NA	NA
BETHANY	4897	111	11	100	9.91	2.27	2.04	NA	NA
WOODBRIDGE	13154	684	67	617	9.80	5.20	4.69	NA	NA
ORANGE	16523	5693	558	5135	9.80	34.46	31.08	NA	NA
WEST HAVEN	41178	6652	652	6000	9.80	16.15	14.57	NA	NA
BRANFORD	21671	140	14	126	10.00	0.65	0.58	NA	NA
GUILFORD	16675	68	7	61	10.29	0.41	0.37	NA	NA
MADISON	14432	39	4	35	10.26	0.27	0.24	NA	NA
CLINTON	9263	0	0	0	ERROR	0.00	0.00	NA	NA
SUBTOTAL	354547	16466	1615	14851	9.81	4.64	4.19	NA	NA
NON-SMSA									
DURHAM	4651	0	0	0	0	0	0	NA	NA
MIDDLEFIELD	3706	0	0	0	0	0	0	NA	NA
MERIDEN	44143	32	3	29	0	0	0	NA	NA
CHESHIRE	22226	52	5	47	9.62	0.23	0.21	NA	NA
SUBTOTAL	74746	84	8	76	9.52	0.11	0.10	NA	NA
TOTAL	429293	16550	1623	14927	9.81	3.86	3.48	NA	NA

NOTES

** SHOPPERS GOODS INCLUDE THE RETAIL CATEGORIES OF GENERAL MERCHANDISE, APPAREL AND ACCESSORIES, FURNITURE, AND MISC. SHOPPERS GOODS

COLUMN TOTALS MAY BE OFF SLIGHTLY DUE TO ROUNDING

SOURCE: APPENDIX L, ECONOMICS AND LAND USE, PREPARED FOR MALL PROPERTIES, INC GLADSTONE ASSOCIATES

TABLE 3: GLADSTONE ASSOCIATES ESTIMATES OF THE IMPACT OF THE PROPOSED MALL ON EXISTING RETAIL CENTERS

NEW [illegible]
(NON-CBD)

D) NEW HAVEN (NON-CBD) SALES WHICH WOULD BE TRANSFERED TO THE PROPOSED NORTH HAVEN MALL, BY TOWN, IN 1985 ACCORDING TO GLADSTONE ASSOCIATES (SCENARIO 1, 0% INCOME GROWTH) (IN THOUSANDS OF CONSTANT 1977 DOLLARS)

CBD= CENTRAL BUSINESS DISTRICT AS DEFINED BY THE U S CENSUS

ORIGIN OF SALES		DESTINATION OF SALES								
ALL THE PEOPLE LIVING IN THIS TOWN: SMSA TOWNS	HAVE THIS MUCH TO SPEND ON SHOPPERS GOODS ** (PURCHASING POWER)	THEIR SALES TO NEW HAVEN (NON-CBD) WITHOUT MALL WOULD BE:	SALES WHICH WOULD BE DIVERTED TO THE MALL	THEIR SALES TO NEW HAVEN (NON-CBD) WITH THE MALL WOULD BE:	PERCENT OF THEIR NEW HAVEN (NON-CBD) SALES TRANSFERRED TO THE MALL	PERCENT OF TOWN'S PURCHASING POWER WHICH WOULD BE SPENT IN NEW HAVEN (OUTSIDE THE CBD)(MARKET SHARE)		PERCENT OF NEW HAVEN SALES COMING FROM EACH TOWN IN REGION (BASED ONLY ON SALES COMING FROM 18 TOWNS)	
						WITHOUT MALL(%)	WITH MALL(%)	WITHOUT MALL(%)	WITH MALL(%)
NORTH HAVEN	22369	263	26	237	9.89	1.18	1.06	0.65	0.65
NEW HAVEN	90702	24325	2385	21940	9.80	26.82	24.19	60.40	60.39
WALLINGFORD	31735	486	48	438	9.88	1.53	1.38	1.21	1.21
HAMDEN	45242	1969	193	1776	9.80	4.35	3.93	4.89	4.89
NORTH BRANFORD	9264	239	23	216	9.62	2.58	2.33	0.59	0.59
EAST HAVEN	17442	2351	227	2124	9.66	13.48	12.18	5.84	5.85
BETHANY	4897	225	22	203	9.78	4.59	4.15	0.56	0.56
WOODBRIDGE	13154	2238	219	2019	9.79	17.01	15.35	5.56	5.56
ORANGE	16523	651	64	587	9.83	3.94	3.55	1.62	1.62
WEST HAVEN	41178	4032	395	3637	9.80	9.79	8.83	10.01	10.01
BRANFORD	21671	1685	165	1520	9.79	7.78	7.01	4.18	4.18
GUILFORD	16675	626	61	565	9.74	3.75	3.39	1.55	1.56
MADISON	14432	273	27	246	9.89	1.89	1.70	0.68	0.68
CLINTON	9263	100	10	90	10.00	1.08	0.97	0.25	0.25
SUBTOTAL	354547	39463	3865	35598	9.79	11.13	10.04	97.98	97.98
NON-SMSA									
DURHAM	4651	28	3	25	0	0.60	0.54	0.07	0.07
MIDDLEFIELD	3706	0	0	0	0	0	0	0.00	0.00
MERIDEN	44163	147	14	133	0	0	0	0.36	0.37
CHESHIRE	22226	194	19	175	9.79	0.87	0.79	0.48	0.48
SUBTOTAL	74746	813	80	733	9.84	1.09	0.98	0.92	0.92
TOTAL	429293	40276	3945	36331	9.77	9.38	8.46	98.90	98.90

NOTES

** SHOPPERS GOODS INCLUDE THE RETAIL CATEGORIES OF GENERAL MERCHANDISE, APPAREL AND ACCESSORIES, FURNITURE, AND MISC SHOPPERS GOODS
COLUMN TOTALS MAY BE OFF SLIGHTLY DUE TO ROUNDING
SOURCE: APPENDIX L. ECONOMICS AND LAND USE, PREPARED FOR MALL PROPERTIES, INC GLADSTONE ASSOCIATES

TABLE 3. GLADSTONE ASSOCIATES ESTIMATES OF THE IMPACT OF THE PROPOSED MALL ON EXISTING RETAIL CENTERS

TOWN OF HAMDEN (NON-MAGIC MILE PORTION)

E) HAMDEN(NON-MAGIC MILE) SALES WHICH WOULD BE TRANSFERED TO THE PROPOSED NORTH HAVEN MALL. BY TOWN. IN 1985 ACCORDING TO GLADSTONE ASSOCIATES (SCENARIO 1. 0% INCOME GROWTH) (IN THOUSANDS OF CONSTANT 1977 DOLLARS)

ORIGIN OF SALES: ALL THE PEOPLE LIVING IN THIS TOWN. SMSA TOWNS	DESTINATION OF SALES: HAVE THIS MUCH TO SPEND ON SHOPPERS GOODS ** (PURCHASING POWER)	THEIR SALES TO HAMDEN (NON-MAG.M) WITHOUT MALL WOULD BE:	SALES WHICH WOULD BE DIVERTED TO THE MALL	THEIR SALES TO HAMDEN (NON-MAG.M) WITH THE MALL WOULD BE:	PERCENT OF THEIR HAMDEN (NON-MAG.M) SALES TRANSFERRED TO THE MALL	PERCENT OF TOWN'S PURCHASING POWER WHICH WOULD BE SPENT IN HAMDEN(NON-M.M.) (MARKET SHARE)		PERCENT OF HAMDEN SALES COMING FROM EACH TOWN IN REGION (BASED ONLY ON SALES COMING FROM 18 TOWNS)	
						WITHOUT MALL(%)	WITH MALL(%)	WITHOUT MALL(%)	WITH MALL(%)
NORTH HAVEN	22369	349	34	315	9.74	1.56	1.41	NA	NA
NEW HAVEN	90782	1377	135	1242	9.80	1.52	1.37	NA	NA
WALLINGFORD	31735	162	16	146	9.88	0.51	0.46	NA	NA
HAMDEN	45242	5413	531	4882	9.81	11.96	10.79	NA	NA
NORTH BRANFORD	9264	48	5	43	10.42	0.52	0.46	NA	NA
EAST HAVEN	17442	201	20	181	9.95	1.15	1.04	NA	NA
BETHANY	4897	100	10	90	10.00	2.04	1.84	NA	NA
WOODBRIDGE	13154	448	44	404	9.82	3.41	3.07	NA	NA
ORANGE	16523	81	8	73	9.88	0.49	0.44	NA	NA
WEST HAVEN	41178	0	0	0	0	0	0	NA	NA
BRANFORD	21671	168	16	152	9.52	0.78	0.70	NA	NA
GUILFORD	16675	0	0	0	0	0	0	NA	NA
MADISON	14432	0	0	0	0	0	0	NA	NA
CLINTON	9263	0	0	0	0	0	0	NA	NA
SUBTOTAL	354547	8347	819	7528	9.81	2.35	2.12	NA	NA
NON-SMSA									
DURHAM	4651	0	0	0	0	0	0	NA	NA
MIDDLEFIELD	3706	0	0	0	0	0	0	NA	NA
MERIDEN	44163	0	0	0	0	0	0	NA	NA
CHESHIRE	22226	194	19	175	9.79	0.87	0.79	NA	NA
SUBTOTAL	74746	194	19	175	9.79	0.26	0.23	NA	NA
TOTAL	429293	8541	838	7703	9.81	1.99	1.79	NA	NA

NOTES

** SHOPPERS GOODS INCLUDE THE RETAIL CATEGORIES OF GENERAL MERCHANDISE. APPAREL AND ACCESSORIES.FURNITURE. AND MISC. SHOPPERS GOODS

COLUMN TOTALS MAY BE OFF SLIGHTLY DUE TO ROUNDING

SOURCE: APPENDIX L. ECONOMICS AND LAND USE. PREPARED FOR MALL PROPERTIES. INC GLADSTONE ASSOCIATES

F) NORTH HAVEN SALES WHICH WOULD BE TRANSFERED TO THE PROPOSED NORTH HAVEN MALL. BY TOWN. IN 1985 ACCORDING TO GLADSTONE ASSOCIATES (SCENARIO 1. 0% INCOME GROWTH) (IN THOUSANDS OF CONSTANT 1977 DOLLARS)

ORIGIN OF SALES: ALL THE PEOPLE LIVING IN THIS TOWN:	HAVE THIS MUCH TO SPEND ON SHOPPERS GOODS ** (PURCHASING POWER)	DESTINATION OF SALES: THEIR SALES TO TOWN OF NORTH HAVEN WITHOUT MALL WOULD BE:	SALES WHICH WOULD BE DIVERTED TO THE MALL	THEIR SALES TO TOWN OF NORTH HAVEN WITH THE MALL WOULD BE:	PERCENT OF THEIR TOWN OF NORTH HAVEN SALES TRANSFERRED TO THE MALL	PERCENT OF TOWN'S PURCHASING POWER WHICH WOULD BE SPENT IN NORTH HAVEN (MARKET SHARE)		PERCENT OF NORTH HAV SALES COMING FROM EACH TOWN IN REGION (BASED ONLY ON SALES COMING FROM 19 TOWNS)	
SMSA TOWNS						WITHOUT MALL(%)	WITH MALL(%)	WITHOUT MALL(%)	WITH MALL(%)
NORTH HAVEN	22369	3757	368	3389	9.80	16.80	15.15	28.71	28.71
NEW HAVEN	90702	1835	180	1655	9.81	2.02	1.82	14.02	14.02
WALLINGFORD	31735	2106	207	1899	9.83	6.64	5.98	16.09	16.09
HAMDEN	45242	2132	209	1923	9.80	4.71	4.25	16.29	16.29
NORTH BRANFORD	9264	717	70	647	9.76	7.74	6.98	5.48	5.48
EAST HAVEN	17442	402	39	363	9.70	2.30	2.08	3.07	3.07
BETHANY	4897	100	10	90	10.00	2.04	1.84	0.76	0.76
WOODBRIDGE	13154	448	44	404	9.82	3.41	3.07	3.42	3.42
ORANGE	16523	81	8	73	9.88	0.49	0.44	0.62	0.62
WEST HAVEN	41178	237	23	214	9.70	0.58	0.52	1.81	1.81
BRANFORD	21671	168	16	152	9.52	0.78	0.70	1.28	1.28
GUILFORD	16675	156	15	141	9.62	0.94	0.85	1.19	1.19
MADISON	14432	136	13	123	9.56	0.94	0.85	1.04	1.04
CLINTON	9263	0	0	0	0.00	0	0.00	0.00	0.00
SUBTOTAL	354547	12275	1202	11073	9.79	3.46	3.12	93.79	93.79
NON-SMSA									
DURHAM	4651	0	0	0	0	0	0	0.00	0.00
MIDDLEFIELD	3706	0	0	0	0	0	0	0.00	0.00
MERIDEN	44163	0	0	0	0	0	0	0.00	0.00
CHESHIRE	22226	390	38	352	9.74	1.75	1.58	2.98	2.98
SUBTOTAL	74746	813	80	733	9.84	1.09	0.98	2.98	2.98
TOTAL	429293	13088	1282	11806	9.80	3.05	2.75	96.77	96.77

NOTES

** SHOPPERS GOODS INCLUDE THE RETAIL CATEGORIES OF GENERAL MERCHANDISE. APPAREL AND ACCESSORIES.FURNITURE. AND MISC SHOPPERS GOODS
COLUMN TOTALS MAY BE OFF SLIGHTLY DUE TO ROUNDING
SOURCE: APPENDIX L. ECONOMICS AND LAND USE. PREPARED FOR MALL PROPERTIES. INC. GLADSTONE ASSOCIATES

TABLE 3 GLADSTONE ASSOCIATES ESTIMATES OF THE IMPACT OF THE PROPOSED MALL ON EXISTING RETAIL CENTERS

TOWN OF WALLINGFORD

G) WALLINGFORD SALES WHICH WOULD BE TRANSFERED TO THE PROPOSED NORTH HAVEN MALL. BY TOWN. IN 1985 ACCORDING TO GLADSTONE ASSOCIATES (SCENARIO 1. 0% INCOME GROWTH) (IN THOUSANDS OF CONSTANT 1977 DOLLARS)

ORIGIN OF SALES: ALL THE PEOPLE LIVING IN THIS TOWN	DESTINATION OF SALES: HAVE THIS MUCH TO SPEND ON SHOPPERS GOODS ** (PURCHASING POWER)	THEIR SALES TO TOWN OF WALLINGFORD WITHOUT MALL WOULD BE:	SALES WHICH WOULD BE DIVERTED TO THE MALL	THEIR SALES TO TOWN OF WALLINGFORD WITH THE MALL WOULD BE:	PERCENT OF THEIR TOWN OF WALLINGFORD SALES TRANSFERRED TO THE MALL	PERCENT OF TOWN'S PURCHASING POWER WHICH WOULD BE SPENT IN WALLINGFORD (MARKET SHARE): WITHOUT MALL(%)	WITH MALL(%)	PERCENT OF WLFD SALES COMING FROM EACH TOWN IN REGION (BASED ONLY ON SALES COMING FROM 18 TOWNS): WITHOUT MALL(%)	WITH MALL(%)
SMSA TOWNS									
NORTH HAVEN	22369	1135	111	1024	9.78	5.07	4.58	6.82	6.82
NEW HAVEN	90702	918	90	828	9.80	1.01	0.91	5.51	5.51
WALLINGFORD	31735	9552	937	8615	9.81	30.10	27.15	57.38	57.38
HAMDEN	45242	492	48	444	9.76	1.09	0.98	2.96	2.96
NORTH BRANFORD	9264	287	28	259	9.76	3.10	2.80	1.72	1.72
EAST HAVEN	17442	101	10	91	9.90	0.58	0.52	0.61	0.61
BETHANY	4897	50	5	45	10.00	1.02	0.92	0.30	0.30
WOODBRIDGE	13154	112	11	101	9.82	0.85	0.77	0.67	0.67
ORANGE	16523	0	0	0	0.00	0.00	0.00	0.00	0.00
WEST HAVEN	41178	0	0	0	0.00	0.00	0.00	0.00	0.00
BRANFORD	21671	0	0	0	0.00	0.00	0.00	0.00	0.00
GUILFORD	14675	0	0	0	0.00	0.00	0.00	0.00	0.00
MADISON	14432	136	13	123	9.56	0.94	0.85	0.82	0.82
CLINTON	9263	0	0	0	0.00	0.00	0.00	0.00	0.00
SUBTOTAL	354547	12783	1253	11530	9.80	3.61	3.25	76.79	76.79
NON-SMSA									
DURHAM	4651	193	19	174	9.84	4.15	3.74	1.16	1.16
MIDDLEFIELD	3706	106	10	96	9.43	2.86	2.59	0.64	0.64
MERIDEN	44163	2785	273	2512	9.80	6.31	5.49	16.73	16.73
CHESHIRE	22226	779	76	703	9.76	3.50	3.16	4.68	4.68
SUBTOTAL	74746	3863	378	3485	9.79	5.17	4.66	23.21	23.21
TOTAL	429293	16646	1631	15015	9.80	3.88	3.50	100.00	100.00

NOTES

** SHOPPERS GOODS INCLUDE THE RETAIL CATEGORIES OF GENERAL MERCHANDISE. APPAREL AND ACCESSORIES.FURNITURE. AND MISC. SHOPPERS GOODS

COLUMN TOTALS MAY BE OFF SLIGHTLY DUE TO ROUNDING

SOURCE: APPENDIX L. ECONOMICS AND LAND USE. PREPARED FOR MALL PROPERTIES. INC. GLADSTONE ASSOCIATES

TABLE . GLADSTONE ASSOCIATES ESTIMATES OF THE IMPACT OF THE PROPOSED MALL ON EXISTING RETAIL CENTERS

H) MERIDEN SQUARE SALES WHICH WOULD BE TRANSFERED TO THE PROPOSED NORTH HAVEN MALL, BY TOWN, IN 1985 ACCORDING TO GLADSTONE ASSOCIATES (SCENARIO 1, 0% INCOME GROWTH) (IN THOUSANDS OF CONSTANT 1977 DOLLARS)

ORIGIN OF SALES		DESTINATION OF SALES					PERCENT OF TOWN'S PURCHASING POWER WHICH WOULD BE SPENT IN MERIDEN SQUARE (MARKET SHARE)		PERCENT OF MERIDEN SQ SALES COMING FROM EACH TOWN IN REGION	
ALL THE PEOPLE LIVING IN THIS TOWN. SMSA TOWNS	HAVE THIS MUCH TO SPEND ON SHOPPERS GOODS ** (PURCHASING POWER)	THEIR SALES TO MERIDEN SQUARE WITHOUT MALL WOULD BE:	SALES WHICH WOULD BE DIVERTED TO THE MALL	THEIR SALES TO MERIDEN SQUARE WITH THE MALL WOULD BE:	PERCENT OF THEIR MERIDEN SQUARE SALES TRANSFERRED TO THE MALL	WITHOUT MALL(%)	WITH MALL(%)	WITHOUT MALL(%)	WITH MALL(%)
NORTH HAVEN	22369	756	548	208	72.49	3.38	0.93	NA	NA
NEW HAVEN	90702	474	415	59	87.55	0.52	0.07	NA	NA
WALLINGFORD	31735	5401	2566	2836	47.50	17.02	8.93	NA	NA
HAMDEN	45242	495	409	87	82.53	1.09	0.19	NA	NA
NORTH BRANFORD	9264	2052	1796	257	87.50	22.15	2.77	NA	NA
EAST HAVEN	17442	0	0	0	0	0	0	NA	NA
BETHANY	4897	0	0	0	0	0	0	NA	NA
WOODBRIDGE	13154	0	0	0	0	0	0	NA	NA
ORANGE	16523	0	0	0	0	0	0	NA	NA
WEST HAVEN	41178	0	0	0	0	0	0	NA	NA
BRANFORD	21671	0	0	0	0	0	0	NA	NA
GUILFORD	16675	0	0	0	0	0	0	NA	NA
MADISON	14432	0	0	0	0	0	0	NA	NA
CLINTON	9263	0	0	0	0	0	0	NA	NA
SUBTOTAL	354547	9178	5733	3446	62.46	2.59	0.97	NA	NA
NON-SMSA									
DURHAM	4651	1124	478	646	42.53	24.17	13.89	NA	NA
MIDDLEFIELD	3706	514	168	348	32.56	13.92	9.39	NA	NA
MERIDEN	44163	23429	0	23429	0	53.05	53.05	NA	NA
CHESHIRE	22226	1403	667	737	47.51	6.31	3.31	NA	NA
SUBTOTAL	74746	26472	1313	25160	4.96	35.42	33.66	NA	NA
TOTAL	429293	35650	7045	28605	19.76	8.30	6.66	NA	NA

INTERESTING POINTS: 1) ASSUMPTION OF NO TRANSFER OF SALES ORIGINATING IN MERIDEN
2) TRANSFER OF SALES ORIGINATING IN NORTH HAVEN (72%) IS 15% LOWER THAN TRANSFER OF SALES ORIGINATING IN NEW HAVEN (87%) OR NORTH BRANFORD (87%).

NOTES

** SHOPPERS GOODS INCLUDE THE RETAIL CATEGORIES OF GENERAL MERCHANDISE, APPAREL AND ACCESSORIES, FURNITURE, AND MISC SHOPPERS GOODS
COLUMN TOTALS MAY BE OFF SLIGHTLY DUE TO ROUNDING
SOURCE: APPENDIX L, ECONOMICS AND LAND USE, PREPARED FOR HALL PROPERTIES, INC, GLADSTONE ASSOCIATES

TABLE 3 .LADSTONE ASSOCIATES ESTIMATES OF THE IMPACT OF THE PROPOSED MALL ON EXISTING RETAIL CENTERS

CONN .CUT
POST CENTER

I) CONNECTICUT POST SALES WHICH WOULD BE TRANSFERED TO THE PROPOSED NORTH HAVEN MALL. BY TOWN. IN 1985 ACCORDING TO GLADSTONE ASSOCIATES (SCENARIO 1. 0% INCOME GROWTH)
(IN THOUSANDS OF CONSTANT 1977 DOLLARS)

ORIGIN OF SALES: ALL THE PEOPLE LIVING IN THIS TOWN: SMSA TOWNS	HAVE THIS MUCH TO SPEND ON SHOPPERS GOODS ** (PURCHASING POWER)	DESTINATION OF SALES: THEIR SALES TO CONN. POST WITHOUT MALL WOULD BE:	SALES WHICH WOULD BE DIVERTED TO THE MALL	THEIR SALES TO CONN. POST WITH THE MALL WOULD BE:	PERCENT OF THEIR CONN. POST SALES TRANSFERRED TO THE MALL	PERCENT OF TOWN'S PURCHASING POWER WHICH WOULD BE SPENT IN CONN. POST (MARKET SHARE): WITHOUT MALL(%)	WITH MALL(%)	PERCENT OF CONN POST SALES COMING FROM EACH TOWN IN REGION (BASED ONLY ON SALES COMING FROM 18 TOWNS): WITHOUT MALL(%)	WITH MALL(%)
NORTH HAVEN	22369	54	50	4	92.59	0.24	0.02	NA	NA
NEW HAVEN	90702	443	277	166	62.53	0.49	0.18	NA	NA
WALLINGFORD	31735	35	33	3	92.86	0.11	0.01	NA	NA
HAMDEN	45242	109	79	30	72.48	0.24	0.07	NA	NA
NORTH BRANFORD	9264	21	20	2	92.86	0.23	0.02	NA	NA
EAST HAVEN	17442	87	46	41	52.87	0.50	0.24	NA	NA
BETHANY	4897	38	28	10	73.68	0.78	0.20	NA	NA
WOODBRIDGE	13154	130	75	55	57.69	0.99	0.42	NA	NA
ORANGE	16523	1126	254	873	22.51	6.81	5.28	NA	NA
WEST HAVEN	41178	1676	461	1215	27.51	4.07	2.95	NA	NA
BRANFORD	21671	55	40	15	72.73	0.25	0.07	NA	NA
GUILFORD	16675	35	26	10	72.86	0.21	0.06	NA	NA
MADISON	14432	23	19	4	82.61	0	0	NA	NA
CLINTON	9263	0	0	0	0	0	0	NA	NA
SUBTOTAL	354547	3832	1406	2426	36.69	1.08	0.68	NA	NA
NON-SMSA									
DURHAM	4651	7	7	1	92.86	0	0	NA	NA
MIDDLEFIELD	3706	4	4	0	100.00	0	0	NA	NA
MERIDEN	44163	16	14	3	84.38	0	0	NA	NA
CHESHIRE	22226	25	24	2	94.00	0.11	0.01	NA	NA
SUBTOTAL	74746	52	48	5	91.35	0.07	0.01	NA	NA
TOTAL	429293	3884	1454	2431	37.42	0.90	0.57	NA	NA

NOTES

** SHOPPERS GOODS INCLUDE THE RETAIL CATEGORIES OF GENERAL MERCHANDISE. APPAREL AND ACCESSORIES.FURNITURE. AND MISC. SHOPPERS GOODS
COLUMN TOTALS MAY BE OFF SLIGHTLY DUE TO ROUNDING
SOURCE: APPENDIX L. ECONOMICS AND LAND USE. PREPARED FOR MALL PROPERTIES. INC. GLADSTONE ASSOCIATES

TABLE 3. GLADSTONE ASSOCIATES ESTIMATES OF THE IMPACT OF THE PROPOSED MALL ON EXISTING RETAIL CENTERS

WEST FARMS MALL

J) WEST FARMS MALL SALES WHICH WOULD BE TRANSFERED TO THE PROPOSED NORTH HAVEN MALL, BY TOWN, IN 1985 ACCORDING TO GLADSTONE ASSOCIATES (SCENARIO 1, 0% INCOME GROWTH) (IN THOUSANDS OF CONSTANT 1977 DOLLARS)

ORIGIN OF SALES: ALL THE PEOPLE LIVING IN THIS TOWN:	DESTINATION OF SALES: HAVE THIS MUCH TO SPEND ON SHOPPERS GOODS ** (PURCHASING POWER)	THEIR SALES TO WEST FARMS MALL WITHOUT MALL WOULD BE:	SALES WHICH WOULD BE DIVERTED TO THE NORTH HAVEN MALL	THEIR SALES TO WEST FARMS MALL WITH THE MALL WOULD BE:	PERCENT OF THEIR WEST FARMS MALL SALES TRANSFERRED TO THE MALL	PERCENT OF TOWN'S PURCHASING POWER WHICH WOULD BE SPENT IN WEST FARMS MALL (MARKET SHARE)		PERCENT OF WEST FARMS SALES COMING FROM EACH TOWN IN REGION	
						WITHOUT MALL(%)	WITH MALL(%)	WITHOUT MALL(%)	WITH MALL(%)
SMSA TOWNS									
NORTH HAVEN	22369	581	538	44	92.51	2.60	0.19	NA	NA
NEW HAVEN	90702	254	235	19	92.52	0.28	0.02	NA	NA
WALLINGFORD	31735	2314	1909	405	82.50	7.29	1.28	NA	NA
HAMDEN	45242	797	737	60	92.47	1.76	0.13	NA	NA
NORTH BRANFORD	9264	348	322	26	92.53	3.76	0.28	NA	NA
EAST HAVEN	17442	0	0	0	0	0	0	NA	NA
BETHANY	4897	39	34	5	87.18	0.80	0.10	NA	NA
WOODBRIDGE	13154	191	177	15	92.41	1.45	0.11	NA	NA
ORANGE	16523	0	0	0	0	0	0	NA	NA
WEST HAVEN	41178	0	0	0	0	0	0	NA	NA
BRANFORD	21671	0	0	0	0	0	0	NA	NA
GUILFORD	16675	214	198	16	92.52	1.28	0.10	NA	NA
MADISON	14432	473	438	36	92.49	3.28	0.25	NA	NA
CLINTON	9263	0	0	0	0	0	0	NA	NA
SUBTOTAL	354547	5211	4587	625	88.02	1.47	0.18	NA	NA
NON-SMSA									
DURHAM	4651	958	743	216	77.51	20.60	4.63	NA	NA
MIDDLEFIELD	3706	1186	920	267	77.53	32.00	7.19	NA	NA
MERIDEN	44163	6521	4728	1793	72.50	14.77	4.06	NA	NA
CHESHIRE	22226	4561	3991	570	87.50	20.52	2.56	NA	NA
SUBTOTAL	74746	13226	10381	2845	78.49	17.69	3.81	NA	NA
TOTAL	429293	18437	14968	3470	81.18	4.29	0.81	NA	NA

INTERESTING POINTS: 1) VERY HIGH MARKET SHARES IN NON-SMSA TOWNS AND WALLINGFORD
2) NEARLY UNIFORM TRANSFER PERCENTAGES FOR SMSA TOWNS, ALL VERY HIGH.

NOTES

** SHOPPERS GOODS INCLUDE THE RETAIL CATEGORIES OF GENERAL MERCHANDISE, APPAREL AND ACCESSORIES, FURNITURE, AND MISC SHOPPERS GOODS
COLUMN TOTALS MAY BE OFF SLIGHTLY DUE TO ROUNDING
SOURCE APPENDIX L. ECONOMICS AND LAND USE. PREPARED FOR MALL PROPERTIES, INC. GLADSTONE ASSOCIATES

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This leads us one step back in the formula to the "leakage recapture/improved inflow" analysis which is mainly leakage recapture as the only improved inflow analyzed is that originating in four towns north and east of the SMSA -- Durham, Middlefield, Meriden, and Cheshire. To the extent total recapture is over-estimated, transfer will be under-estimated, given the simple formula cited above. Recapture, the authors tell us, is a function of proximity of the retail location, comparability of retail products, and ambiance of the center (p. 199). They state: "Using these criteria [in some unspecified and undocumented manner], individual recapture ranges were developed, in percentage terms [presumably using a combination of subjective judgement of the consultants and objective measures such as distance], and applied to each baseline sales flow where the origination point was within the SMSA and the sales destination was outside the SMSA." (p. 199) The results are detailed in tables on pp. 222, 224, 226, 228, 230-234, 237-241, 244-248, and 251-255 of the report. One can only assume, given the lack of documentation in the report, that these seemingly scientific "diversion percentages" are a technician's best guess at what will happen when the mall is built.

Examination of these diversion tables together with the tables showing transfer sales for the same scenario and year provide some interesting and contradictory results. Take the case of sales originating in North Branford in 1985 under scenario 1. While the transfer analysis would have us believe that of the $1.13 million flowing from North Branford across North Haven to Hamden's Magic Mile, under baseline conditions (p. 214), only $110,000 will be diverted to the mall (p. 235). These doggedly loyal shoppers from North Branford will pass four major department stores and 100 or so small shops and drive several extra miles over congested local streets to continue spending 90% of their money at a 25 year old open air strip center which has lost its best anchor to the mall (Sears) and is anchored by discount stores and supermarkets. The recapture analysis contradicts this assertion of the loyalty of shoppers of North Branford to already existing retail areas by stating that the shoppers of North Branford of the $2.05 million in purchases these shoppers are making under baseline conditions at the relatively modern Meriden Square, anchored by G. Fox and Penney's (p. 214), fully 85-90% would be recaptured by the mall (p. 231). Similar contradictions exist for other towns east of the mall site -- look up East Haven and Branford for instance.

If one is to believe this analysis, the mall would be deriving 47.3% to 51.3% of its total sales from two primary sources -- the West Farms Mall (45-60 minutes driving time from New Haven) and unspecified outside centers, presumably more than an hour's drive time from New Haven (i.e., New York City, White Plains, etc.). Yet in a March 1979 comprehensive survey of 379 shoppers at West Farms Mall, only 8.5% resided in the New Haven SMSA. If this sample is representative, only $13 million (1981 dollars) in West Farms shoppers' goods volume are attributable to the New Haven SMSA -- $7 to $8.5 million less than what Gladstone asserts the North Haven Mall would divert from there. (Phillips/Norwalk, 1982)

One could go on with other numerous examples. Note, however, that the tables in the back of the report are arranged in a way which makes these kinds of comparisons extremely difficult for all but the most persistent reader.

To allow more systematic and convenient review, we have rearranged portions of the data in the tables which follow. Table 2 presents transfers the New Haven CBD and Hamden's Magic Mile in a more convenient form for analysis. Table 3 shows where people from three core communities are assumed to shop with and without the mall.

The Phillips/Norwalk report presents an alternative transfer analysis weighting the transfer allocations by comparative center size and a factor for distance and resistance to travel. Whereas the Gladstone figures show that all diversions are the same percentages of the original cell value, the more reliable alternative analysis, which factors in distance produces some strikingly different results (Phillips/Norwalk, 1982).

In response to RERC's comments, the Gladstone team did some further analysis, but they did not change the basic assumptions or the resulting sales transfer conclusions at all. To satisfy the criticism of the uniform distribution of transfer, they offered an alternative distribution of transfer sales (pp. 204-205) using professional judgements based on the determinants of sales flows RERC outlined. This anlaysis did produce a more realistic set of transfer figures with slightly higher figures for the CBD and Magic Mile (10% vs. 8%) than for other centers. Rather than proceed to adopt this alternative analysis, however, Gladstone simply read the closeness of the estimates produced by the two methods as proof of reasonableness of their original approach despite its strange assumptions and results.

The major flaw which persists even in the alternative analysis is the calculation of transfer as a residual after recapture and inflow are determined and continued use of the same formula suggesting an inverse relationship between transfer and recapture. Persistence on this point ignores RERC's major comment about the need for a more straight-forward market analysis based on expected market shares and side-steps the essence of the RERC critique. The recision of President Carter's Community Conservation Guidelines and the evident decision by HUD not to press the technical cases in mid-1981 does not provide an excuse to ignore a cogent, accurate criticism that is on the record in RERC's report. At this time, the RERC comments and the body of related and supporting comments provided during the DEIS review period suggest the need for an independent market and economic impact analysis by the Corps. Barring that, a major reworking of the Gladstone report would be necessary to provide the basis for a public interest determination.

In summary, the consultant hired by the developer of the mall in question has used an illogical formula (#2) to distribute a transfer sales total figure which in turn is figured as a remainder after deducting an undocumented, subjective "recapture and improved inflow" figure from a debatable total mall sales figure, all designed to demonstrate no impact on existing retail centers. The results must be treated with extreme skepticism and suggest the need for a more objective analysis before any conclusions are drawn as to the true economic impact of the proposed mall.

2. Alternative Sales Flow and Transfer Analysis

The City of New Haven retained three consultants to provide different professional perspectives and independent assessments on the impact of the proposed mall on regional sales flows, and on the New Haven Central Business District in particular (Phillips/Norwalk, 1982; Putman, 1982; Chung, 1982.) The Phillips/Norwalk Company, a well-known retail market analysis firm, estimated the demand for additional department store space in the region and estimated the retail market impact of the proposed mall on the CBD. Dr. Stephen Putman, Professor of City and Regional Planning at the University of Pennsylvania and a well-known expert in the relationships between transportation systems, economic activity, and land use, estimated the probable shifts in market shares of existing retail centers given the current distribution of population and income, the regional highway network, and the known propensity of people to travel various distances for shopping trips. Dr. Hyung C. Chung, Professor

of Economics and Director of the Urban Management Institute of the University of Bridgeport, estimated the retail sales transfers associated with the mall as a basis for estimating the impact of retail sales transfers on employment and tax revenues of regional cities and towns.

Although these consultants approached the issue of sales transfer from different perspectives, all three found the transfer of sales from the CBD to the North Haven Mall would be substantially greater than the Gladstone Report would have us believe. Rather than 8.3% or 9.5%, the estimates of transfer from the CBD in these studies range from 11% to 20%, using in most cases very conservative assumptions.

All three consultants also tended to confirm the conclusions of the Rivkin Community Impact Study that in a slow-growth economy, the imposition of a center of the magnitude of the proposed mall would cause tremendous dislocation at existing retail centers across the region.

Phillips/Norwalk Analysis

The Phillips/Norwalk Company analyzed New Haven's market penetration and the likely impact of the North Haven Mall, drawing on available data and detailed interviews with 41 merchants in the CBD. They concluded that the transfer would be substantially greater than Gladstone represents, on the order of 16.2-19.7% of 1981 shoppers' goods sales of $80.6 million (not including sales at Malley's Department Store which has since closed) (Phillips/Norwalk, 1982).

This extraordinary across-the-board transfer would affect some retail establishments more than others. The more distressing finding of the report is that based on merchants' assessment of the probable impact of the mall, as many as 20% of the existing downtown shoppers' goods stores could close or move to the proposed mall, leaving vacant storefronts and over 160 people out of jobs. As stores vacate and other stores' leases expire, a cycle of decline could well set in which could be difficult to reverse.

The survey suggests that the stores most affected would be those catering to the middle to upper income population. The resulting rapid shift from a major regional center to a much smaller retail center increasingly oriented to low-income shoppers and the "captive market" of City residents and office workers would lead to serious under-utlization of the extensive inventory of downtown retail floor space (and associated infrastructure and capital stock) and serious reductions in service to these two groups.

EXHIBIT 4

TABLE 4

SALES TRANSFER FORECAST
DOWNTOWN NEW HAVEN TO PROPOSED MALL*
(in '000 of 1981 dollars)

	Base Amounts Subject to Transfer			Sales Transfer Forecast					
CBD GAFO Volume Sources	Residents	Daytime Workers	Total	Residents**	%	Daytime Workers	%	Transfer	%
North Haven	$ 2,733	$ 777	$ 3,510	$ 1,604	58.7%	$ 39	5%	$ 1,643	46.8%
Hamden	5,350	2,906	8,256	3,004	56.2	145	5	3,149	38.1
North Branford	1,047	444	1,491	588	56.2	22	5	610	40.9
Wallingford	2,442	377	2,819	1,594	65.3	19	5	1,613	57.2
Bethany	465	444	909	304	65.3	22	5	326	35.9
Cheshire	465	444	909	327	70.3	22	5	349	38.4
Subtotal North Suburban	$12,502	$ 5,392	$17,894	$ 7,421	59.4%	$269	5%	$ 7,690	43.0%
Woodbridge	$ 582	$ 444	$ 1,026	$ 172	29.7%	$ 13	3%	$ 185	18.0%
Orange	1,279	400	1,679	326	25.5	12	3	338	20.1
West Haven	6,745	2,218	8,963	1,328	19.7	44	2	1,372	15.3
Subtotal West Suburban	$ 8,606	$ 3,062	$11,668	$ 1,826	21.2%	$ 69	2.3%	$ 1,895	16.2%
City of New Haven	$26,051	$ 7,031	$33,082	$ 1,447	5.6%	$ 70	1%	$ 1,517	4.6%
East Haven	$ 4,650	$ 1,819	$ 6,469	$ 915	19.7%	$ 36	2%	$ 951	14.7%
Branford	1,745	1,198	2,943	344	19.7	24	2	368	12.5
Guilford	1,454	710	2,164	371	25.5	21	3	392	18.1
Madison	407	333	740	104	25.5	10	3	114	15.4
Subtotal East Suburban	$ 8,256	$ 4,060	$12,316	$ 1,734	21.0%	$ 91	2.2%	$ 1,825	14.8%
Other	$ 2,735	$ 2,859	$ 5,594	$ 135	4.9%	$ 29	1%	$ 164	2.9%
TOTAL	$58,150	$22,404	$80,554	$12,563	21.6%	$528	2.4%	$13,091	16.25%

* Four department-store complex as proposed.

** Residential Transfer Calculation:

(T) Amt. Subj. to Transfer x (S) Comparative Center Size ÷ (D) Distance/Travel Resistance Coefficent = Amt. Sales Flow to More Distant Retail Center

Example: North Haven

(T) = $2,733 x (S) North Haven Mall 50% of Total GLA of Mall & CBD = $1,366 ÷ (D) 1.21 = (R) $1,129 Retained by CBD

Phillips/Norwalk, 1982

Putman Analysis

Dr. Putman obtained detailed demographic and land use data at the zoned level and zone-to-zone travel times for over 184 planning zones in the South Central Connecticut region (Technical Memorandum #2). Using a mathematical formula to simulate people's propensity to travel given distances for shopping trips (a trip function), he computed a baseline distribution of shopping trips between residential zones and zones with retail opportunities. The trip function used is based on 1976 Conn DOT home interview surveys and distinguishes shopping trips from convenience shopping or other short purpose trips. The resulting matrix of 33,856 cells allows for a detailed examination of shifts in retail sales. He then added the proposed North Haven Mall to the appropriate zone and recomputed the distribution of trips. He stresses in his report that the particular shopping trip function used will produce a conservative, minimum shift in sales because regional mall shopping trips are longer on average than general shopping trips. His use of retail floor area as an attractiveness measure without differentiating between new suburban and old CBD floor space is also a very conservative assumption. The result showed a shift in market share from the CBD to the proposed mall of 11-20% with the most probable shift being 13%-15%. Putman also analyzed the geographical distribution of population and income relative to the proposed mall site and the downtown. The amount of regional income with varying distances from these locations (Table 5) shows that the New Haven CBD is more accessible to more of the regional demand than is the mall site. This analysis revealed that fully 94% of the zones in the South Central Connecticut planning region, which includes Milford and Meriden, are within a 25 minute driving time of the proposed mall and of the New Haven CBD. There is almost complete overlap in the market areas of the proposed mall and the CBD. He also found that "in terms of travel times the location of the New Haven CBD is over three times more efficient than the location of the proposed North Haven Mall." (Putman, 1982, p. 2).

D. Fiscal and Employment Impacts

1. Background Economic Indicators

The fiscal and employment impacts of the North Haven Mall are directly related to the prospects for growth in the regional economy and the distribution of sales transfers. Dr. Chung's report examines regional economic trends and projections, the regional fiscal picture and the economic

TABLE 5

TOTAL INCOME OF RESIDENTS OF SOUTH CENTRAL CONNECTICUT REGION WITHIN VARYING DRIVING TIMES OF THE PROPOSED NORTH HAVEN MALL AND THE NEW HAVEN CBD, 1977

(INCOME IN MILLIONS OF 1977 DOLLARS)

DRIVING TIME TO RESPECTIVE CENTER (TIME RING) (IN MINUTES)	TOTAL INCOME WITHIN THIS TIME RING AROUND MALL SITE (1)	CUMULATIVE INCOME WITHIN SPECIFIED DRIVE TIME FROM NO. HAV. MALL SITE (2)	TOTAL INCOME WITHIN THIS TIME RING AROUND NEW HAV. CBD (3)	CUMULATIVE INCOME WITHIN SPECIFIED DRIVE TIME FROM NEW HAV. CBD (4)	TOTAL CUMULATIVE REGIONAL INCOME IN CBD TIME RING MINUS TOTAL CUMULATIVE REGIONAL INCOME IN MALL TIME RING ** (4)-(2)
0-5	116	116	351	351	235
5-10	409	526	458	808	283
10-15	665	1190	595	1404	213
15-20	477	1667	261	1665	-2
20-25	240	1907	245	1910	3
25-30	77	1984	87	1997	13
30-35	13	1997	7	2004	7
35-40	0	1997	0	2004	7
40-45	7	2004	0	2004	0
TOTAL INCOME (RESIDENTS OF REGION)	2004		2004		

** THIS IS A MEASURE OF THE CENTRALITY OF THE LOCATION OF THE NEW HAVEN CBD IN THE REGION IN RELATION TO THE PROPOSED MALL SITE. IT SHOWS THAT THE CBD IS MORE ACCESSIBLE TO A LARGER PROPORTION OF REGIONAL DEMAND THAN IS THE PROPOSED MALL SITE.

SOURCE: PUTMAN, 1982. DATA PROVIDED BY CONNECTICUT DEPARTMENT OF TRANSPORTATION AND THE REGIONAL PLANNING AGENCY OF SOUTH CENTRAL CONNECTICUT.

impact of retail employment to assess the impact of the proposed mall on the ability of area cities and towns to raise taxes to support vital public services and on regional employment.

In his analysis, Dr. Chung relies on a set of economic projections which forecast no net real growth in regional income available for shoppers goods purchases which is lower than Gladtone's "0% income growth" scenario because of differing assumptions about population growth and percent of income spent on shoppers goods. Dr. Chung used recent projections by the Regional Planning Agency of South Central Connecticut. While no one can predict the future with any certainty in this time of recession and erratic, experimental shifts in Federal economic policy, there are many indicators supporting Dr. Chung's assumptions and few concrete signs to support more optimistic growth assumptions for this region. For example, for the 1969-1977 period, U.S. Census estimates show a real decline in per capita income of .1% per year (Exhibit 1-3 in Chung, 1982). Prospects for the northeast economy, in general, are not great given Federal policies, energy and labor costs, and deterioration in basic infrastructure.

Even under more optimistic economic growth assumptions such as those used by Gladstone, Chung's refinements and corrections of the Gladstone impact methodology result in no or extremely low net regional benefits in employment or tax revenues when more realistic transfer sales are assumed (Exhibit 5-2 in Chung, 1982). The small net regional benefits which would occur under even the most optimistic economic scenario are insignificant compared to the many other impacts the proposed mall would impose on the regional community. Net figures also mask substantially uneven impacts on specific municipalities or groups such as minorities, elderly, or the young.

In evaluating and using Dr. Chung's report, therefore, we feel it is important to focus on the framing of the public interest issue involved and the critical refinements to the basic methodology used by Gladstone. The specific results of any impact projections are only estimates. These estimates can be revised as the underlying economic assumptions are refined or revised. Table 6 (Exhibit 5-1 of Chung Report) presents a summary of Dr. Chung's findings with respect to economic impacts.

2. Fiscal Impacts

The impact of the proposed North Haven Mall on regional municipalities' ability to raise revenues flows directly from assumptions about economic trends and sales transfers to the proposed mall. To the degree the Gladstone report underestimates transfer, he also underestimates fiscal impacts and over-estimates net regional benefits. Gladstone's analysis also neglects non-shoppers' goods sales transfers and secondary or feedback effects. Dr. Chung uses a formula very similar to Gladstone's to assess fiscal impact, but starts with a considerably higher sales transfer figure and takes into account all retail sales, not just shoppers' goods.

The second critical refinement in his analysis is the use of the equalized tax rate available from the State to reflect true impact based on comparable tax rates. North Haven has one of the lowest effective tax rate considerably lower than the more urban municipalities in the region -- $14.58 per $1,000 in full market value in 1979 compared to $35.12 in New Haven and $40.74 in Hamden (see Exhibit 3-6 in Chung, 1982). Chung's estimate of the impact on New Haven is a 1.0% reduction in the equalized net grand list, ten times the Gladstone estimate. A comparable reduction for the Town of Hamden would be 1.2%. Across the entire region, the Chung analysis shows a net reduction in tax revenues of over $1,000,000 compared to Gladstone's assertion of a net increase in tax revenues across the region (Table 6). While any estimate of tax impact is speculative, this new analysis introducing equalized tax rates and a more realistic sales transfer assumption suggests that there are almost no net benefits to the region in this regard, and that masked within any net figure are large redistributions of tax revenues from jurisdictions with higher tax rates and higher municipal service demands. It also suggests the need for a more thorough analysis of fiscal impact based on an independent assessment of transfer sales impacts.

Using an income approach rather than the cost approach relied on by Gladstone and factoring in personal property, the impact on New Haven's Grand List grows to 1.6% or $27.8 million in market value. This would represent a loss of over $1,100,000 in tax revenue per year by New Haven alone.

At a minimum this projects fails an equity test as it will cause a regressive redistribution of income and ability to raise taxes to support municipal services and would result in a net reduction in regional property tax revenues.

TABLE 6

EXHIBIT 5-2 SUMMARY OF IMPACT OF NORTH HAVEN MALL ON THE REGIONAL ECONOMY

1. Scenario: Zero Growth Population Growth: 2.5% ; Income Growth Rate: 0% per year ; 12.5% of Money Income Spent for Shoppers Goods

	SALES IMPACT				FISCAL IMPACT					EMPLOYMENT IMPACT		
	(1) Shoppers Goods Sales Loss ($MM)	(2) % of Total GAFO Sales (%)	(3) Total Retail Sales Loss ($MM)	(4) % of Total Retail Sales (%)	(5) Tax Base Loss ($000)	(6) % of Net Grand List (%)	(7) Tax Revenue Loss ($000)	(8) 1978 Equalized Mil Rate ($)	(9) % Increase in Tax Rate (%)	(10) 1977 Retail Employment	(11) Employment Loss	(12) % of Total Retail Emp. (%)
1. New Haven	-25.9	-19.4	-31.4	-8.2	-27,761	-1.46	-1,077.1	29.3	+1.5	7,937	-687	-8.7
CBD	-15.3	-18.2	-18.6	-17.7	-	-	-	-	-	-	-	-
Balance	-10.6	-21.4	-12.8	-4.8	-	-	-	-	-	-	-	-
2. Wallingford	- 9.4	-30.8	-11.4	-7.3	- 9,838	-1.10	-200.6	16.7	nc	2,447	-237	-9.7
3. Hamden	-19.7	-30.7	-23.9	-10.8	-21,707	-1.85	-905.2	21.7	nc	4,027	-433[a]	-12.6
4. North Branford	*	*	*	*	*	*	*	*	*	*	*	*
5. East Haven	-1.2	-12.1	-1.5	-2.0	-1,428	-3.25	-46.3	24.0	nc	1,180	-30	-2.5
6. Bethany	*	*	*	*	*	*	*	*	*	*	*	*
7. Woodbridge	-.3	-5.8	-.4	*	-517	-.15	-13.1	15.0	nc	*	*	*
8. Orange	-5.8	-16.9	-7.0	-5.9	-5,288	-.93	-38.8	14.5	nc	2,130	-29	-1.4
9. West Haven	-3.0	-18.4	-3.6	-3.0	-3,094	-.31	-103.8	23.2	nc	2,039	-54	-2.6
10. Branford	-1.0	-5.0	-1.2	-1.2	-1,142	-.19	-20.4	14.6	nc	*	-25	nc
11. Guilford	- .4	-3.7	-.5	-.9	- 536	-.10	-10.4	15.6	nc	937	-10	-1.1
12. Madison	- .1	-2.4	-.1	-.3	- 129	-.04	-2.5	14.0	nc	602	-2	-.3
13. Clinton	*	*	*	*	*	*	*	*	*	*	*	*
14. Durham	*	*	*	*	*	*	*	*	*	*	*	*
15. Middlefield	*	*	*	*	*	*	*	*	*	*	*	*
16. Meriden	-5.9	-28.0	-7.2	-3.8	-6,558	-.66	-125.9	19.5	nc	3,169	-151	-4.8
17. Cheshire	-.9	-7.9	-1.1	-1.7	-1,130	-.19	-19.7	16.9	nc	1,072	023	-2.1
Trade Area Total Excl. North Haven	-73.6	nc	-89.3	nc	-79,127	nc	-2,563.8	*	*	25,821	-1,681[a]	-6.5
18. North Haven	+85.0	*	+114.8	*	+85,381	+9.9	+1,303.0	16.0	-6.6	1,772	+1,600[b]	+90.3
NET EFFECT	+11.4	*	+25.5	*	+6,254	*	-1,261.8	*	*	*	-81	*

Source: H.C. Chung, Planning Consultant a. Excludes 75 FTE employment from Sears to be relocated to North Haven to avoid double counting.

These impacts are particularly unfair in light of the extensive regional services and facilities supported by the City of New Haven, including hospitals, educational and cultural facilities, transportation, recreation, public housing, and welfare. Many of these facilities are tax-exempt and/or by their nature public goods for which user fees cannot be charged. The proportion of property that is tax-exempt is far greater in New Haven than in any of the suburban towns (see Appendix 2 for a fuller discussion of regional services).

3. Employment Impacts

Just as the mall could have little or negative tax benefits for the region due to its reliance on sales transfers from other centers, it would produce no net gain in regional full-time equivalent jobs (Table 6). Chung's analysis shows that there could actually be a net reduction in regional employment. The transfer of job opportunities from the CBD and Magic Mile, both well-served by public transportation and close to low-income and working-class neighborhoods, to a relatively affluent suburban area will result in further regressive redistribution of income.

The analysis presented by Dr. Chung disputes Gladstone's assertions of positive employment effects and points out their misuse of employment multipliers which produces exaggerated estimates of indirect employment benefit associated with the construction and operational phases of the proposed mall project. Employment multipliers should be applied only to that portion of an activity which can be classified as "basic" employment in that it produces goods or services for export. In the case of retail trade, strictly speaking, there is no export, but for the purposes of conservative analysis the basic percentage of retail employment in the New Haven region was set at 10%. This would reduce the assumed Gladstone employment multiplier of 2.5 to .25 (Section IV in Chung, 1982).

These estimates suggest yet another set of problems with the Gladstone Report and its measurement of the public interest considerations in this permit application.

F. Impact on Transportation

1. Public Transportation

The DEIS glosses over the question of access to the mall by public transportation for shopping and work trips, a

major public interest consideration. Meaningful service to the proposed mall simply could not be provided merely by restructuring Route C between New Haven and Wallingford. Either additional scarce resources would have to be diverted from existing routes in this time of tremendous budget pressure on the entire bus system, reducing overall service levels and effectiveness, or transit-bound groups and individuals would be effectively excluded from working or shopping at the proposed mall.

These issues are discussed more fully in Technical Memorandum #4.

2. Changes in Regional Transportation Patterns

In Appendix H, Transportation, Attachment C, Parsons-Brinckerhoff analyzed the changes in regional transportation patterns associated with the North Haven Mall and concluded that a net reduction of 12,000 vehicle miles of travel (VMT) per day would result from diversions of shopping trips to the North Haven Mall. The rationale for this conclusion is that the proposed Mall could service in 42,000 trips/day (21,000 visits) the same retail demand that it would take competing centers 52,870 trips/day to service.

This analysis of vehicle miles of travel is based totally on the results of the sales diversions to the proposed mall estimated in Appendix L. Economics and Land Use. Therefore, the problems with the Gladstone methodology outlined above and in the Phillips/Norwalk report undermine the validity of the conclusion that VMT would actually decline. Given our findings that Gladstone has overstated recapture of sales going to the West Farms Mall and other non-SMSA centers (which two factors they say would account for an incredible 47.3-51.3% of 1985 mall sales; Phillips/Norwalk, p. 6) and has understated the level of transfer from nearby centers (Phillips/Norwalk, p. 16-24), the probability is that the Parsons-Brinckerhoff estimate of savings in number and length of shopping trips are probably vastly overstated. A diversion of shoppers who were travelling shorter distances before the mall were built could cancel out the savings resulting from fewer trips being made.

Dr. Putman's analysis showed that the New Haven CBD is more conveniently located with respect to concentrations of regional income (Table 5) suggesting that on locational grounds the CBD could accommodate regional shopping trips more efficiently than the proposed mall site (Putman, 1982). Two additional factors militating against any savings in

vehicle miles of travel if the mall were built are: 1) the reduced attractiveness of downtown New Haven for shopping trips by downtown workers due to increasing vacancies and decrease in depth which would induce additional vehicle trips during off-hours, and 2) the lack of any meaningful public transportation serving the proposed mall compared to existing centers.

Without quarreling with the methodology of the Parsons-Brinckerhoff analysis, we submit that using more realistic sales flow and diversion patterns would most likely eliminate the projected savings in vehicle miles of travel attributed to the proposed mall.

V. Impacts on Regional Opportunities for CBD Revitalization

The City of New Haven today is definitely the hub of an evolving metropolitan area. While the City has many strengths as discussed above, it, like with many cities, is in a somewhat precarious economic and political position because of a tremendous service burden in the face of declining Federal and State Assistance, and the threat of major suburban development. A development on the scale of the North Haven Mall would drain the center of the retail sales which are the major support of building maintenance, jobs, taxes, and ancillary development in the downtown area.

One of the major irreversible and irretrievable commitments of resources occasioned by this proposal would be the permanent foreclosure of the possibility for downtown New Haven and other aging retail centers to be significantly upgraded and revitalized through private and public action (Chung, 1982; Levine, 1982).

There is a strong likelihood that the projected levels of sales transfer not only would make new downtown retail projects less feasible, but also would push the retail sector into a spiral of decline, vacancies, and further decline as has happened in a number of cities across the country (Phillips/Norwalk, 1982; Levine, 1982).

The reduced tax base and reduced City capacity to provide essential services would in turn increase tax rates, further depress all property values in the City, and make revitalization that much more difficult.

The City's recent efforts to renew and expand its retail core, a project which has attracted significant developer interest (Appendix 4), as well as the specialty

retail component of the Entertainment District may be rendered infeasible if the proposed mall were built.

VI. Legislative Articulation of the Public Interest

The extensive body of Federal and Connecticut law outlining the public interest in maintaining and renewing older urban centers should guide the Corps in making the public interest determination required in this permit decision. In Appendix 3 we have provided an annotated list of citations from State and Federal law through which the representatives of the public have articulated and interpreted this important aspect of the public interest. Most of these statutes and statements of public policy were creating specific programs to promote preservation and revitalization of cities or to grant cities special powers to pursue their development objectives.

In light of the findings of the independent studies commissioned by the City that the mall will have a major impact on the City, the limited definition of public need and public interest evident in the DEIS should be broadened to give due weight and emphasis in the balancing process to this extensive body of law.

The City of New Haven has been a beneficiary of the programs established under these laws, and extensive public investments have been made in downtown, industrial, and neighborhood renewal. The granting of permission to construct the proposed mall would in our considered opinion undermine 33 years of extensive public and private investment and effort and directly contradict the consistent interpretation of the public interest by 16 Congresses, eight presidents and numerous State legislatures and governors.

Some of the quotes from the statutes in question provide an indication of their purposes. Current federal policy has evolved consistently. The "Demonstration Cities Act of 1966 stated that "improving the quality of urban life is the most critical domestic problem facing the United States." The Housing and Community Development Act of 1974, which totally revamped the Federal government's approach to financing urban programs, proclaimed that the "welfare of the nation" requires "systematic and sustained action by Federal, State and local governments to eliminate blight, to conserve and renew older urban areas." The Public Works and Economic Development Act of 1976 established a policy of targeting assistance "for long-term economic rehabilitation in areas where long-term economic deterioration has occurred."

Connecticut State policy evolved similarly, defining the quality of urban communities as a vital component of public interest. Community Development policy (Section 8-169a) states: "The future welfare of the state and well being of its citizens depends upon the establishment and maintenance of viable urban communities as social, economic and political entities."

In 1978, Governor Grasso issued Executive Order 20 which presented as a State goal: "Revitalize the economic base of our urban areas by rebuilding older commercial and industrial areas and encouraging new enterprises to locate in central cities."

This Order established a requirement that all State investments be subjected to a Capital Impact Statement to assess their potential for injuring existing urban centers.

The State's Plan of Conservation and Development declares: "...trends adversely affecting urban areas impair the quality of life of all citizens regardless of residence and need," and asserts that "concenrating new development in existing urban areas is essential to maintaining a healthy environment."

The proposed 1982-1985 revision of the State Conservation and Development Policies Plan, a draft copy of which is being provided to the Corps with this submission, is even more explicit than the current policies plan in specifically discouraging developments such as the proposed North Haven Mall. This plan has just gone through over a year of hearings and deliberations, has been approved by the appropriate committees of the General Assembly and is now awaiting action by the full legislature.

The Regional Guide Plan of the Tri-State Regional Planning Commission, a compact consisting of the States of Connecticut, New York and New Jersey, also provides strong encouragement for urban revitalization and limiting development which would undermine it.

This body of public law and policy is part of a broad recognition of the need for public intervention in the marketplace to guide, divert and/or assist the flow of investment in the metropolitan areas to protect the public interest in maintaining viable communities and decent, affordable housing in safe, supportive neighborhoods. These policies also implicitly recognize that markets, particularly in real estate, and the aggregation of individual and corporate decisions, can and often do fail to produce optimal results because of the numerous externalities in urban areas.

We urge the Corps to examine these laws closely.

VII. Conclusions

The Draft EIS is based on methodologies and conclusions so flawed as to render the statement an inadequate basis for determining whether the public interest will benefit or suffer from the construction of the North Haven Mall. Analyses from three independent professionals indicate that, rather than serving a public need, the proposed mall would seriously harm the entire region. Specifically, the North Haven Mall would cause the following chain of events:

1) Every major retail center in the region would suffer from substantial sales reductions and store closings. This occurrence will ensue because the proposed Mall will provide approximately twice the retail space than the region can absorb without serious dislocation of existing centers.

2) This loss of sales and stores by existing retail centers would create a regressive and unequitable distribution of income and job producing retail areas in the region.

3) The Mall would not only cause a serious decrease of tax revenues and increase of unemployment in New Haven and Hamden, but would probably cause a net loss of tax revenues to the entire region because of the differences in local tax rates.

Because of the tenuousness of the public's need for the North Haven Mall and the seriousness of the Mall's negative impact upon existing retail centers and the entire region, the Army Corps of Engineers would be remiss in its duties to grant a permit for construction without further analysis of the public need for retail services and the full economic and social impacts of the Mall. This analysis should also include an appraisal of less costly and less detrimental means of answering the need for increased retail space. Only if this further analysis is pursue can the decision on whether or not to issue a permit for the North Haven Mall be made responsibly, and only in this way can the public interest be served.

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CITY MANAGER'S OFFICE
MERIDEN, CONNECTICUT 06450

DANA A. MILLER
CITY MANAGER

March 11, 1982

Colonel Edgar
U.S. Army Corps of Engineers

Dear Colonel:

The City of Meriden is part of New Haven County and as such, is considered part of the Greater New Haven Region, although we are at the extreme edge of this region. It is my belief, that the construction, of the North Haven Mall will not have a significant impact upon the residents of this City. Recognizing that your primary concern has been the impact upon the environment, and that your draft statement, favors the issuance of a permit to develop a mall, which would include the filling of 25 acres of wetlands. The City of Meriden would have no objections to the issuance of this permit.

We can recognize the arguments put forth in terms of the potential impact upon retail establishments within the region. However, it is my belief, supported by others, with whom I've discussed this, that it would enhance retail opportunities for shoppers within the Meriden area, and would provide additional jobs, not only initially during the construction phase, but ultimately in operating and maintaining the mall.

I believe, that the town of North Haven has a responsibility for making the ultimate decision about granting a permit following completion of all the procedural steps necessary, and that they should be permitted to make this decision based upon what they believe is best for their community and the region.

Sincerely,

Dana A. Miller
City Manager

evm

CC: Mr. Mort Wittstein, Economic Development Director
Town of North Haven

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TESTIMONY
OF
JOHN C. DANIELS, STATE SENATOR
TO THE ARMY CORPS OF ENGINEERS
REGARDING
THE NORTH HAVEN MALL

Good evening, my name is John C. Daniels. I am the State Senator from the 10th Senatorial District which includes the cities of New Haven and West Haven.

I have come here tonight to express my concerns and the concerns of my colleagues about the proposed North Haven Mall and the effects which it will surely have on the economy and the people of the entire region. Because of the Mall's enormous impact, it is essential that the Army Corps of Engineers fulfills its mandate to independently determine whether or not the North Haven Mall permit issuance is in the "public interest."

As a member of the Connecticut Legislature I have been deeply involved in the development of legislation and programs aimed at improving the quality of life for all of Connecticut's residents. The legislative process takes very seriously its articulation of "public interest" in the development of new laws. The Connecticut General Statutes reflect efforts made through the years to define "public interest" particularly as it relates to preserving the urban centers of Connecticut.

In the time available tonight it would not be possible to have all of the laws which contain planning policy directives that promote the preservation and revitalization of existing city centers. However I would like to briefly mention three examples.

Section 8-169(a) of the Connecticut General Statutes states that "the future welfare of the state and well being of its citizens depends on the establishment and maintenance of viable urban communities as social, economic and political entities." Section 8-201 adds, "it is found and declared that improvement of the conditions and quality of urban life is one of the most serious responsibilities facing the state." Section 8-242 warns of the economic hazards of continuing the development of areas outside of existing centers, thereby decreasing their efficiency and adversely affecting the health, welfare, safety and general prosperity of the citizens of the state.

Second, as a legislator representing a racially and economically mixed district, I must express my deep concern and conviction that the proposed North Haven Mall will create a dangerous precedent by further segregating the regional retail market. The Mall would segregate the retail market in two ways: first, the Mall would absorb

most of the retail facilities providing middle and upper end quality stores, leaving the downtown with predominantly discount and low end market stores. In addition, the lack of frequent public transportation service to the Mall will make it inaccessible to low income residents from the City, reducing their opportunities to shop or be employed at the Mall.

This leads me to my last concern, which is subsequent reduction of employment opportunities in my district due to the loss of sales and business resulting from the Mall. This loss will not, as the DEIS suggest, be balanced by the new employment generated by the North Haven Mall. Those jobs will be taken by local residents providing second and even third incomes in families where there are working teenagers. Thus, the Mall will reduce employment opportunities for the central city low income residents for whom the downtown employment is their only viable source of income.

Given the economic and social consequences of the North Haven Mall, it is clear that the Mall is not in public interest as defined in the laws and policy directives of this State. For this reason I urge the Army Corps of Engineers to deny the permit application.

Thank you.

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CITY OF NEW HAVEN

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Alderman, 25th Ward

Education Committee
Finance Committee
Aldermanic Representative,
Environmental Advisory Council

109 Hemlock Road
New Haven, Conn. 06515

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TESTIMONY OF
ALDERMAN STEVEN G. MEDNICK (D-25)
CITY OF NEW HAVEN
BEFORE THE
UNITED STATES ARMY CORPS OF ENGINEERS
MARCH 16, 1982

NORTH HAVEN MALL

I AM PLEASED TO HAVE THIS OPPORTUNITY TO APPEAR THIS EVENING BEFORE THE ARMY CORPS OF ENGINEERS. THE NORTH HAVEN MALL HAS LONG BEEN THE SUBJECT OF REGIONAL DISCORD AND CONTROVERSY. THE HEARINGS THIS EVENING COME AT A POINT IN OUR HISTORY WHEN THE "NEW FEDERALISM" REQUIRES OPTIMUM LEVELS OF REGIONAL ECONOMIC COOPERATION AND PLANNING TO COUNTER THE MASSIVE REDUCTIONS IN FEDERAL AND STATE ECONOMIC DEVELOPMENT ASSISTANCE.

AS A LOCAL LEGISLATOR IN AN URBAN AREA, I AM CONFRONTED IN EVERY DECISION I MAKE BY THE STARK REALITIES OF ECONOMIC STAGNATION:

-- A RETAIL COMMUNITY FACING HIGH INTEREST RATES, A TIGHT MONEY SUPPLY AND CONSUMER RETRENCHMENT;

-- AN INCREASING UNEMPLOYED AND UNEMPLOYABLE POPULATION REQUIRING PUBLIC AND PRIVATE SECTOR RETRAINING AND EMPLOYMENT OPPORTUNITIES;

-- A TAX BURDEN ON MIDDLE CLASS HOMEOWNERS IN A STATE WHERE REVENUE RAISING RESPONSIBILITIES FOR EDUCATION, POLICE AND FIRE PROTECTION AND THE SERVICE BURDEN FOR THOSE WHO USE OUR HOSPITALS, UNIVERSITIES AND THE LIKE FALL HEAVIEST UPON OUR URBAN GOVERNMENTS.

FOR THOSE REASONS I ASK THE ARMY CORPS OF ENGINEERS TO CONSIDER IN A SECOND DRAFT ENVIRONMENTAL IMPACT STATEMENT "ANY IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES WHICH WOULD BE INVOLVED IN THE PROPOSED ACTION SHOULD IT BE IMPLEMENTED" AND THEREBY REJECT THE PRESENT PLANS FOR THE CONSTRUCTION FOR THE NORTH HAVEN MALL.

THE CITY OF NEW HAVEN DOES NOT HAVE A POLICY OF BLANKET OPPOSITION TO THE DEVELOPMENT OF OUR SUBURBAN NEIGHBORS. JUST AS IT IS CRITICAL TO MAINTAIN AND REVITALIZE THE EXISTING DOWNTOWN BUSINESS DISTRICT IN THE LARGEST COMMUNITY IN THE REGION, IT IS ESSENTIAL TO UPGRADE AND IMPROVE THE BUSINESS DISTRICTS AND SHOPPING CENTERS IN HAMDEN, MILFORD, BRANFORD AND THE EXISTING CORRIDORS ALONG ROUTE 1 EAST AND WEST AND ROUTE 10 NORTH AND SOUTH.

HOWEVER, IT DOES NOT MAKE A SCINTILLA OF ECONOMIC SENSE TO REPRODUCE ON A SQUARE FOOTAGE BASIS THE NEW HAVEN CENTRAL BUSINESS DISTRICT, A MERE 7.4 MILES FROM OUR CITY AND 3.4 MILES FROM THE MAGIC MILE IN HAMDEN. A POLICY WHICH FAVORS DECENTRALIZED DEVELOPMENT WILL ULTIMATELY STRANGLE THE ECONOMIC FOUNDATIONS OF OUR REGION AND STATE AND ALTER THE BALANCE WHICH IS ESSENTIAL TO THE PRODUCTIVE ECONOMIC GROWTH OF OUR REGION.

FURTHER, I AM CONCERNED ABOUT THE BUSINESS CLIMATE FOR COMPETITIVE LOCAL RETAILERS. ONE OF THE CHIEF CONCERNS OF PLANNERS IN STAMFORD, CONNECTICUT IS THAT THE NEWLY OPENED TOWN CENTER, WHILE IMMEDIATELY ADJACENT TO THE PRESENT CENTRAL BUSINESS DISTRICT, HAS BEEN BUILT AS A FORTRESS WHICH, IN EFFECT, ISOLATES EXISTING BUSINESSES FROM THE

PRESUMED BENEFITS OF THE NEW STRUCTURE. THE STAMFORD EXPERIENCE, BOTH IN TERMS OF THE COMPETITIVE IMPACT ON THE LOCAL RETAIL ESTABLISHMENT AS WELL AS THE ABSORPTION OF LOCAL RETAILERS INTO THE STRUCTURE, SHOULD BE INSTRUCTIVE TO ANY FINAL DECISION BY THE ARMY CORPS OF ENGINEERS IN THE NORTH HAVEN CASE.

I AM CONCERNED IN THE SHADOW OF THE TIGHT MONEY POLICIES OF THE FEDERAL RESERVE AND THE REAGAN ADMINISTRATION, THAT LOCAL RETAILERS FIRST WILL NOT BE ABLE TO AFFORD THE LEASING REQUIREMENTS OF THE MALL, AND SECOND WILL BE UNABLE TO COMPETE WITH THE LARGE ENTERPRISES AND NATIONAL CHAIN STORES DESTINED TO CAPTURE THE MARKET CREATED BY THE MALL. IT IS CLEAR THAT AN INDEPENDENT EVALUATION OF RETAIL DOLLAR DIVERSION IS A RELEVANT FACTOR TO BE CONSIDERED. I WOULD HOPE A SECOND DRAFT WOULD TAKE THAT FACTOR INTO CONSIDERATION.

IN CONCLUSION, I BELIEVE THAT A STRONG REGIONAL ECONOMY PRESUMES THE STRENGTH AND VITALITY OF EACH COMPONENT PART. THE DEVELOPMENT OF THE NORTH HAVEN MALL, RATHER THAN BALANCING THE GROWTH WITHIN THE REGION, WILL ARTIFICALLY SHIFT PRODUCTIVE DOLLARS AWAY FROM POPULATION CENTERS MOST IN NEED OF SUPPORT. I URGE THE ARMY CORPS OF ENGINEERS TO CLEARLY ASSESS THE ECONOMIC AND SOCIAL IMPACT AS WELL AS TO DEFINE THE PUBLIC NEED AND DEMAND FOR RETAIL FACILITIES ON THE SCALE OF THE PROPOSED MALL.

THANK YOU FOR YOUR CONSIDERATION.

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TOWN OF HAMDEN, CONNECTICUT 06518

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Evelyn N. Parise

March 9, 1982

Col. C.E. Edgar
U.S. Army Corps of Engineers
New England Division
424 Trapelo Rd.
Waltham, Mass. 02154

Dear Sir:

The proposed North Haven Mall will have a significant impact upon South Central Connecticut, including the Town of Hamden, from a variety of perspectives. After studying both the Review and Appendices of the Draft Environmental Impact Statement issued by the U.S. Army Corps of Engineers, I feel obliged, both as a resident and an elected official of a Town which will suffer both economic and environmental detriment if this proposed Mall is approved and constructed. I will limit my comments to only three of the consultant studies: transportation, air quality and economics.

Appendix H (Transportation) discusses the design level of traffic within three matrices: the 17 town market area, the macroanalysis area (defined as that area within which community impacts from mall-related traffic might be felt) and the microanalysis area (the direct and immediate environs of the proposed mall). The conclusions of Appendix H are drawn from a set of assumptions which are directly contradicted by the series of assumptions upon which Appendix L (Economics) is based. The assumption of the Transportation Report is that traffic patterns will be the result of the Mall as the sole destination. It is also expected that there will be 42,000 weekday and 56,000 weekend vehicle trips. This design level is a conservative figure according to the consultants who state that the true traffic impact cannot be adequately measured until 1987 or 1988. Further, the report states that traffic on Washington Avenue, Poole Road, and other close local streets will be mainly local in nature, that is, will be mainly comprised of North Haven residents. Further, it is clearly stated that there is very limited public transportation. The comment that increased traffic could "possibly" lead to increased public transportation route allocation in the mall area is not corroborated by the experience of other suburban malls. Only those malls which are

literally on rush hour routes into major urban centers (such as Corbins Corner for Hartford) have bus service, and that service is geared to the urban rush hour, not to the mall's shopping schedule. Traffic will be private automobile traffic and nothing else.

Appendix I (Air Pollution) dismisses the entire issue by a politically naive statement that the proposed inspection and maintenance program will be effective by January, 1983, and that, as a result of the I/M program, automobile emission will be reduced by 25%. This is even more naive considering that the assumptions of Appendix L are totally different from those of the other two appendices.

The Gladstone consulting study on economics discusses a major side effect of the mall as the increased business for merchants along Washington Avenue. The expected increase along Washington Avenue in Appendix L does not exist in Appendix H which states the overwhelming increase of traffic will be borne by two service roads. The increase in air pollution in the microanalysis area will be significant due to the stop and start quality of the Washington Avenue area.

The final issue I wish to address is that of "public need" for this proposed mall. The economic consultants make the following assumption:

1) There is a unmet need for quality, depth and variety shopping in the region;
2) The planned shops are consonant with general market planning strategy for the large department stores to be represented in this proposed mall;
3) The Hamden Magic Mile will not suffer greatly because it is not competing for the same kind of market (even though Hamden will lose the direct revenue from the move of Sears to the Mall);
4) The impact on the rest of the region is economically negligible even assuming a zero growth in discretionary income.

First, there may be an unmet need for certain kinds of retail markets; the question is, however, whether a supermall of over 1.2 million square feet is the best way to meet that need. This proposed mall will oversaturate all possible markets. The technical reports to the new Hamden Town Plan, for instance, warns of over-development in Hamden's retail sectors.

Indeed, the proposed Old Hamden Center, mindful of possible oversaturation, altered its retail-commercial mix to be more heavily commercial. There are many better approaches to market need; a balanced regional approach would be far superior to the current proposal. Secondly, there is no reason why the Army Corps of Engineers should simply serve as a rubber stamp to the plans of commercial expansion by firms with little real interest in this region other than preferability.

Third, the consultants suggest that the fact that Hamden will lose "only" 8.5% of its business on the heavy Dixwell Avenue strip known as the Magic Mile, is only of minor concern. Currently, there is one empty grocery store and the probability of an empty Sears. The Mall will be the likely first stopping place for traffic coming west toward Hamden, especially for those who come to use Sears, and then continue to shop along other areas of Dixwell Avenue. It will also serve to further empty lower Dixwell Avenue stores on the border of the Highwood neighborhood. The consultants' eight percent drop in business is a significant drop in retail business and not something to be shrugged off. The real drop will be more of twenty percent, not eight, a figure which spells disaster for Hamden.

Finally, this proposed mall will have a significant economic impact on the entire region; a matter about which all of us ought to be concerned. The draw of markets away from a core will economically weaken the entire region. No region can survive without an economically viable central city. This proposed mall will attract an affluent suburban population, abandoning the core to an even greater extent to the poor, the elderly and the underclass. Urban crime is often cited as a factor already partially causing that abandonment. In many parts of the country there has been an appalling increase in petty crimes, both against person and property. These malls often are even more inadequately policed than are urban centers. They have become our new crime centers.

The North Haven Mall, as proposed, is both an economic and ecological disaster; economic because of the outflow of retail trade, and ecological because it is detrimental to the good of the entire region. I urge the U.S. Army Corps of Engineers to reconsider its initial approval and to recommend against it.

Very truly yours,

JOYCE A. PHIPPS
Councilwoman, 7th District
Hamden Legislative Council

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ECONOMIC DEVELOPMENT COMMISSION
TOWN OF HAMDEN, CONNECTICUT 06518
(203) 288-5641

Peter F. Villano, Mayor
Donald P. Calcagnini, Chairman

Roger J. O'Brien
Development Administrator

March 15, 1982

Mr. Robert E. Adler
U.S. Army Corp of Engineers, NED
424 Trapelo Road
Waltham, Massachusetts 02254

RE: North Haven Mall
Draft Environmental Impact Statement
Section 404 (b)(1) Review

Dear Mr. Adler:

We have reviewed the draft Environmental Impact Statement on the North Haven Mall, dated February, 1982. We have also reviewed document labeled Appendix L - Economics and Land Use, dated 1981, prepared by Gladstone Associates for Mall Properties, Inc.

The focus of our review has been the analysis of Gladstone Associates, with respect to development potential of sites within the Town of Hamden. Within the past several weeks, significant media coverage was given to a table known as the "Alternatives Screening Matrix", which was prepared in conjunction with Gladstone Associates analysis of single site alternatives for comparable retail facilities. This analysis is found on page II-3 fl of the draft impact statement. The Alternatives Screening Matrix examines twelve alternative sites to the proposed North Haven Mall and classifies them according to overriding problems, serious constraints and other constraints.

With respect to the Consultant's analysis of the potential for expansion of the "Magic Mile" in Hamden, the Alternatives Screening Matrix indicates that expansion of the Magic Mile is infeasible, due to an overriding legal or political constraint. Considerable interest was aroused on the part of the Town of Hamden upon seeing this table printed in the local media, in that we were unaware of what such a legal or political constraint of an overriding nature would be. Having read the voluminous materials

provided by Gladstone Associates, we found only a single sentence explanation for Gladstone Associates' dismissal of the potential for expanding the Magic Mile in Hamden. Table 3, entitled "Summary Comparison of Alternatives Sites" defines the overriding legal or political constraints as follows:

> "Owners have not initiated or prompted proposals for expansion of facilities".

On behalf of the Town of Hamden Economic Development Commission, we can state that the Town of Hamden and one or more owners along the Magic Mile have been discussing proposals for expansion of the Magic Mile during the course of the past several years. In the course of those discussions, one or more owners of the Magic Mile have put forth to the Town, proposals to expand their facilities. Accordingly, the Town in its newly adopted Master Plan of Development and in its proposed Zoning Regulations, has endorsed the concept of an expansion of the Magic Mile and provided zoning incentives to encourage such expansion. The Town of Hamden is not aware of any overriding legal or political constraint to the expansion of the Magic Mile.

The Gladstone Associates report Table 2 "Alternatives Screening Matrix" also states that the Evergreen Avenue site in Hamden has "overriding problems". We have reviewed the summary comparison on Table 3 and once again find superficial analysis. Gladstone Associates believes that there is a legal or political constraint of an overriding nature, due to the fact that "local opposition has previously prevented retailed development at this site". The state courts in November, 1981 found that the opposition to this retail development was in fact opposition from a competitor seeking to suppress competition. The Town of Hamden has recently completed a three year process of updating its Master Plan of Development and revising its Zoning Regulations. Extensive public hearings were held during that time period with respect to land use decisions in the Town of Hamden. The Master Plan of Development maintains the Evergreen Avenue site as a regional shopping center site. The proposed Zoning Regulations maintain the Evergreen Avenue site as a shopping center zone. The Town of Hamden is not aware of any overriding legal or political constraints at this time to the development of the Evergreen Avenue site. Indeed a site plan could be filed with the local Planning and Zoning Commission at any time.

The Town of Hamden has chosen the two most obvious examples of biased and superficial analysis on the part of Gladstone Associates with respect to development potential within the Town of Hamden. The examples which we have illustrated call in to question the analysis found in other sections of this Environmental Impact Statement, particularly with respect to the extent of transfer sales projected to be drawn out of the Town of Hamden.

The Town of Hamden has not taken a position for or against the North Haven Mall because we believe it to be inappropriate for one community to seek to influence potential economic competition in another. However, we do believe that material contained in the Draft Environmental Impact Statement which pertains to potential development in the Town of Hamden merits comment.

In presenting this information, we seek to balance the material presented by North Haven Mall Properties, with respect to development potential within the Town of Hamden. We believe that the Army Corps of Engineers should exercise its responsibility after having received information from all affected parties, and after having conducted thorough independent analysis.

Sincerely,

Economic Development Commission
Town of Hamden

EDC/sd

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March 15, 1982

Mr. Robert Adler
US Army Corps of Engineers, NED
424 Trapelo Road
Waltham, Massachusetts 02254

Re: North Haven Mall
North Haven, Connecticut

Dear Mr. Adler:

As a professional archaeologist and a consultant to the Corps on four different projects having an impact on cultural resources (Saxonville, Massachusetts, New Haven Harbor and Park River, Hartford, Connecticut) with your office and another in Buffalo, New York, I have a few comments on the draft EIS for North Haven Mall.

I see some contradictions between the reported abundance of cultural remains and the paucity actually recovered from the vicinity of the project area. While this may in part reflect the growth of artifacts in the telling and retelling of the stories, the excavation plan with testing at 20m intervals could have missed many sites/workshop/activity areas of the same size as those found.

Having walked over the area extensively prior to submitting a bid on the project, when it was known as the proposed North Haven Industrial Park in 1978, I had the feeling that a lot of the topography had been altered, compacted, and otherwise disturbed from its natural state. Thus, surficial indications are not necessarily indicative of subsurface features or artifact concentrations. While I am not doubting the in situ nature of the artifacts recovered or the ability of the excavators to recognize a disturbed context, one has to be careful in generalizing from the excavated areas to the ones only surficially investigated.

Having worked at many sites in Connecticut having a large amount of debitage and few finished artifacts, I can only stress the importance of a large quantity of adjacent excavation units to determine the true nature of the deposits. While a lot of sites of this nature do exist, the ones in the project area will take on added significance if the chippage cluster is actually from a single occupation of the site and not a composite deposit resulting from years of repetitive occupations. To discover this, however, will require a far more comprehensive research plan than stated. The use of flotation in this plan should not be limited to the search for dietary and environmental data. It can be used to determine whether stratigraphy is actually present

or is induced by the research plan.

Having never had any bad experiences working with the Corps closely on these types of projects, and realizing the difficulties encountered by others are by-products of the desire of everyone to get the job done as quickly and efficiently as possible, I would strongly suggest that construction with archaeological work still undone is the kiss of death. I have recently been involved with a non-Corps project in Connecticut where the specifications of the project had been changed at the last minute resulting in the destruction of archaeological sites which were known, reported in the EIS and supposedly safe. I am also currently involved in another project where most of a Historic site was destroyed after it was located in a Phase I survey and before a decision was made for Phase II. The phone company knew a project was coming and decided to move its underground lines. Although this was a direct result of the pending project, no EIS was requested or seemingly required since this was not on the spec sheet being handled by the engineering consultants.

While I do not think either instance was wanton destruction, these are two examples of what happens when project plans in the vicinity of known archaeological remains. Once this project in North Haven gets closer to reality and archaeologists start work, people will appear seemingly out of the woodwork with collections, advice, and where they should have dug. This may well lead to additional cultural remains in the project area. If it does and if construction is proceeding, one of two things happens: (1) construction stops and everyone gets upset while the archaeologist does his thing; needlessly taking more time than necessary since he was not prepared for this contingency; (2)construction doesn't stop, the site is destroyed, and everyone involved in the project gets a bad press. This project is pulling the town apart as it is and more trouble is not needed at any time.

Sincerely,

Roger W. Moeller

Roger W. Moeller, Ph.D.
Director of Research

RWM:mag

Computations on File
Available

PO-2 134

ARNOLD'S BOOT SHOPS INC.
1052 Chapel Street
New Haven, Connecticut 06511
(203) 624-4556

March 24, 1982

Colonel C.E. Edgar, Division Engineer
Department of the Army
New England Division, Corps of Engineers
424 Trapelo Road
Waltham, Massachusetts 02254

Dear Colonel Edgar,

I am taking this opportunity to tell you a little bit about our retail establishment, Arnold's Boot Shops, and to support with solid evidence my strong objection to the building of the North Haven Mall.

I, like most retailers, know my clientele and their tastes by instinct. Instinct told me that the proposed North Haven Mall would take much more of our business away than the 13.2% upper estimate indicated in your Environmental Impact Statement. Knowing, however, that you are not interested in instinct so much as facts, though, I did some statistical studies on our customers' home addresses.

Firstly, 27.7% of our December Arnold's charge account dollars came from residents of those towns with the most convenient access to the proposed North Haven Mall. This figure is undoubtedly low as an estimate of total potential customer losses, since Visa, Master Charge, and American Express charge card users are not figured in to this figure. And it is certain that major charge card owners tend to be from the more affluent suburban areas. So, the very least we might lose to the North Haven Mall would be this 27.7%. (See Table 1)

Secondly, my retail instincts told me that the proposed North Haven Mall would have its most severe impact on the buyer of middle to higher priced quality shoes. Once again knowing that you have no interest in my instinct, I did a statistical study of the mailing list for one line of quality men's shoes. I was not surprised to find that 48.8% of those customers come from those towns having the most convenient access to the proposed North Haven Mall. The opening of this mall would simply decimate the number of customers who comprise the most important part of our business, the customer of the middle to higher priced quality footware. (See Table 2)

MAR 26 1982

We believe that we stand to lose up to 30% of our present sales overall. It is doubtful that our business can presently afford the approximately $300,000 investment to open a new store at the proposed mall. On the other hand, we also cannot afford to lose nearly one third of our business.. So, we would probably close our Hamden store and bring in the personnel from there. There would be no addition of jobs to the New Haven area's workforce, as contended by the E.I.S.

Expansion of our business into a new, high-rent location during times of extremely high interest rates and retail sluggishness is a dangerous step for a medium sized independent retailer such as ourselves. It would stretch the financial fabric of our business to the point that our ability to absorb even one bad selling season due to heavy snows, for example, might be jeapordized. The immediate effect on the quality and selection of footwear in our downtown stores is undeniable. We would be forced to carry a much smaller selection of shoes, and would have to downgrade our merchandise to cater to the largely urban poor who would be left to shop downtown, or to upgrade entirely to cater exclusively to those office workers and professionals that would still shop downtown.

We would survive, however; we are 52 years old, and we have seen many changes in and around New Haven. What is most important in our ongoing business success has been our faith in the ongoing vitality of New Haven as a retail, educational, and cultural center. (See pamphlet entitled "The Arnold's Story.")

If the North Haven Mall opened, many stores would close downtown, further damaging our business due to a decreased selection of retail stores to attract customers. The North Haven Mall would destroy many longstanding, independently owned, family owned businesses, only to be supplanted by large chain stores whose profits would not be invested in the New Haven area, or even Connecticut, for that matter.

Please answer some questions about how you arrived at the 13.2% sales transfer figure:

(1) How many retailers were contacted directly either by the Army Corps of Engineers or Gladstone Associates and asked to do a survey of their customers' towns of residence?

(2) Was there any attempt to contact Arnold's Boot Shops directly? If not, why not?

(3) Is there any distinction made between sales transfers estimated to be from independents as opposed to chains?

(4) How many independently owned small businesses are estimated to face bankruptcy or sell out because of their inability to either absorb sales losses or move to the proposed mall?

Please answer each of these questions specifically.

I am quite concerned about the economic health of the entire region, not only the central business district of New Haven. The North Haven Mall is not in the public interest. I trust that this new information regarding our estimated sales losses will cause you to reconsider the projections provided to you by Gladstone Associates.

Sincerely yours,

James P. Brochin
Vice President
Arnold's Boot Shops, Inc.

New Haven Downtown Council

ARNOLDS BOOT SHOPS 137

TABLE #1

3/2/82 Mulvihill

NORTH HAVEN MALL --
CATEGORIES OF
DISTRIBUTION OF SHOPPERS GOODS PURCHASING POWER
TO NEW HAVEN CBD

SMSA CITIES/TOWNS:	% of December charge orders
1 Bethany	.4
2 Branford	3.6
3 Clinton	.2
4 East Haven	6.4
5 Guilford	1.7
6 Hamden	9.3
7 Madison	.1
8 New Haven	58.0
9 North Branford	.6
10 North Haven	2.6
11 Orange	1.5
12 Wallingford	1.0
13 West Haven	10.1
14 Woodbridge	1.8

These are percentages of December dollars of Arnolds Bootshop charge customers

RESULTS
(do not include master, Visa, Am. Express charges)

NON-SMSA CITIES/TOWNS:	
1 Cheshire	.8
2 Durham	
3 Meriden	
4 Middlefield	

OTHER LOCATIONS:

27.7% are in the target area of the proposed mall

DATA NEEDED:

1 Store name and location
2 Type of Shoppers Goods Sold, and Volume of sales
3 Number of shoppers from each location
4 Sales volume of shoppers from each location

Note: Need a representative sampling of Saturdays and weekdays over past six months to one year; or perhaps a weekly/monthly sales summary.

P.O. Box 1456/161 Orange St./New Haven/Connecticut/06506/ (203) 777-9000

ARNOLDS BOOT SHOPS, 138

New Haven Downtown Council

TABLE 2

CONTACT: STAN MULVIHILL
777-9000

NORTH HAVEN MALL IMPACT -- ARMY CORPS OF ENGINEERS

Using a mailing list, shoppers' charge list, or sales receipts/orders over a sample period, determine:

1) the % of total shoppers coming from each location listed below

and

2) the % of total sales coming from each location listed below, if possible

SMSA Cities/Towns:

1	Bethany	1.2%
2	Branford	4.8%
3	Clinton	.2%
4	East Haven	3.3%
5	Guilford	2%
6	Hamden	19.8%
7	Madison	1.6%
8	New Haven	29%
9	North Branford	.4%
10	North Haven	5.9%
11	Orange	4.7%
12	Wallingford	1.2%
13	West Haven	8.2%
14	Woodbridge	6.2%

Non-SMSA Cities/Towns:

1	Cheshire	2.2%
2	Durham	0%
3	Meriden	.4%
4	Middlefield	0

Other Locations: .4%

This was accomplished by looking at our mailing list for one line of quality men's footwear, and the percentages are the % of customers on our list living in the towns indicated.

RESULTS: 48.8% of these customers live in the North Haven Mall target area. Particularly note Hamden and North Haven and Branford

P.O. Box 1456/161 Orange St./New Haven/Connecticut/06506/ (203) 777-9000

PO-3 139

A.W.A.R.D.

A WALLINGFORD ASSOCIATION OF RETAILERS DOWNTOWN

P.O. BOX 354 • WALLINGFORD, CONNECTICUT 06492

Col. C.E. Edgar,

Enclosed are two presentations by our members against the North Haven Mall. The speaches were made on Tuesday, March 16 before the reviewing board.

Richard Stancil, President of A Wallingford Association of Retailers Downtown (A.W.A.R.D.). I am representing all downtown Wallingford merchants, professionals, and service organizations. We are deeply concerned with the ultimate negative economic impact the proposed new mall in North Haven will have on the Wallingford area, only 2 miles from the site.

Economically we feel that the proposed mall will cause an erosion of Wallingford's tax base. Wallingford's downtown area is made up of independent, family owned and operated specialty stores. They are not major chains with unlimited funds that the mall would attract. Our A.W.A.R.D. members feel they would lose up to 35% of their existing business to the mall. With this decrease in business, some business would fail. The potential failures of these long standing family businesses will erode the town's tax base. This erosion will mean higher taxes for the people of Wallingford.

Also, we would urge you as many others have, to review the seemingly one-sided information supplied to you for the DEIS and to develop and use independent information.

Thank you,

Richard Stancil

Christine Bolio, Secretary of A.W.A.R.D. I would like to address the socio-economic aspect. I feel the mall is being built at the expense of the small business person. A poll of our members has revealed up to a projected 35% average decrease in business. With the current economy, many retailers cannot absorb even a 10% decrease. Many of our businesses will be affected directly or indirectly e.g. a viable business surrounded by empty stores will not remain successful.

The mall favors large businesses and national chains. The most successful small retailer cannott afford the initial costs and the high rents of the mall.

Small businesses are a vital part of the community. We are willing to support youth sports, contribute to service organizations, and assist with church activities. A large mall will undermine this important aspect of community life.

MAR 24 1982

Thank you,

Christine H. Bolio

PO-4 140

bullard's

The H. M. Bullard Company
59 Elm Street
New Haven, Connecticut 06510
(203) 787-2251

Myles H. Alderman
President

March 12, 1982

Col. C. E. Edgar Division Engineer
Department of the Army
New England Division, Corps of Engineers
Waltham, Massachusetts 02254

Attention: Mr. Robert Adler - NEDPL -1P

RE: North Haven Mall - NEDOD-R-13-79-561

Dear Col. Edgar:

I write to you as a resident of the town of North Haven and as president of the H.M. Bullard Co. that has a retail furniture store in Branford, Connecticut and in New Haven, Connecticut.

I am also the president of the real estate company that owns our building in downtown New Haven as well as in Branford, Connecticut.

The records of the H.M. Bullard Co. show that approximately 40% of our customers currently live in the town of North Haven or in the towns directly contiguous to the town of North Haven. I'd also like to advise you Sir that the retail furniture business is one that requires a great deal of square footage and yet because of the volume is so low per square foot that the amount of rental that a furniture store can pay per square foot is also exceedingly low.

I would like to point out my grave concerns about the developement of the North Haven Mall based on the amount of volume per square footage the mall must do in order to be successful.

I am specifically concerned about the generally projected figures of the rental and volume per square foot that will be needed to carry and sustain this mall.

It is my understanding that in order for this center to successfully operate in the immediate future they will have to charge square footage rentals in excess of $20.00 per square foot which is also based on todays construction costs. However in order for a store to possibly operate and pay a reasonable percentage rental in such a shopping center, that store would have to generate in excess of $200.00 volume per square foot in order to sustain a rental in the neighborhood of $20.00 or more per square foot.

This is based on the fact that most stores can only pay somewheres in the neighborhood of 5% to 10% in rental as a percentage of their store volume. I should point out that a furniture store could not even pay that percentage and stay in business.

In order for the North Haven Mall to generate a volume of $200.00 per square foot or more it would have to gravely and seriously attract a very substantial portion of the business not only from downtown New Haven but from other shopping areas as well.

The size of the greater New Haven retail market is such that in order for that mall to succeed the rest of the area would have to come to a grinding halt.

I believe that the figures that are currently being projected by the North Haven Mall people do not indicate $200.00 per square foot volume but infact this is what they would need if they were going to charge $20.00 per square foot or more from their tenants.

Speaking as an individual retailer I know that if the North Haven Mall were to obtain a $200.00 per square foot volume level or more that my business in downtown New Haven and the immediate area around my store would have to be negatively impacted in the amount of 20% to 40% of it's volume.

If that were to happen we would no longer be able to stay in business in New Haven and Branford.

As important taxpayers in New Haven and to a lesser extent in Branford I know that our capacity to keep our large building rented and pay taxes on it would be severly negatively impacted by the North Haven Mall and I would question the capacity of the city of New Haven to generate the taxes necessary to provide the Social Services that it currently provides if the North Haven Mall goes through.

I urge you to seriously consider the negative economic impacts of the North Haven Mall and to not allow this center to go forward because it will do so at the expense of the City of New Haven, the taxpayers of the City of New Haven and the recipients of the Social Services in the City of New Haven.

I thank you for your time and attention.

Very truly yours,

Myles H. Alderman

MHA/slb

cc: Aldie Edwards

PO-5 142

21 March 1982

John C. Cavadini
Chairman
Bishop St Preservation Committee
14 State St
North Haven CT
06473
203-239-6692

Robert Adler: NEDPL-IP
New England Division
Corps of Engineers
424 Trapelo Rd
Waltham Mass 02254

Dear Mr Adler:

Please find enclosed my testimony from the Public Hearing of 16 Mar 1982 re the North Haven Mill. Also included are a minimum of supporting documents. all of these are to be included as part of the hearing record.

I was happy to meet you, although briefly, at the hearing. Take care -

John Cavadini

John Cavadini
Chair
Bishop St Preservation Comm.

Testimony of John C. Cavadini, Chairman, Bishop Street Preservation Committee, 14 State Street, North Haven CT 06473.

To the Army Corps of Engineers. 16 March 1982.

My name is John C. Cavadini. I speak for the chair of the local Bishop Street Preservation Committee. This Committee is currently a plaintiff in an administrative appeal against Conn. DOT. At issue is the proposed widening of Bishop Street, ConnDOT project #100-130.

The Committee is disappointed that the DEIS does not address the issue of the widening of Bishop Street. The DEIS does recognize this issue as an area of controversy (Summary, under "Areas of Controversy"). It also recognizes that the precise point of controversy is whether or not the widening of Bishop Street could be construed as a mall-related impact. The DEIS further identifies ConnDOT as the party which claims the widening is not a mall-related impact. It therefore seems inappropriate to go on to dismiss the matter by deferring to "a seperate Federal/State environmental review," namely the 1980 Environmental Assessment prepared by ConnDOT, the very party which the DEIS has already recognized as only one party in a major controversy. The DEIS is thereby, without any investigation at all, accepting the position that the Bishop Street widening is to no degree a mall-related impact. That is, the DEIS accepts the position of DOT. This is bias. The DEIS takes sides at the outset, after having explicitly recognized the sides.

Further, our Committee recognizes an issue far more complex than the one outlined in the DEIS. It is not the case that "Area residents feel that the widening is only necessary to carry the additional traffic that the mall would generate . . . ." We do in fact concede the need for an expanded facility. We even agree with DOT's remark, as given by the DEIS, that "considerations to improve Bishop Street predate the mall proposal . . . ." But in our minds it is a question of degree. Early "considerations to improve" the street (see TOPICS report of 1970) suggested only minor alterations. It was only after the mall proposal became a reality that the project was prioritized and acquired its present urgency and highly expanded dimensions. This can be seen most clearly in the 4/18/75 letter of then first selectman Lester Gott to the South Central Regional Planning Agency. This letter and other supportive documents which I will hand to the Army Corps make it clear that to some degree the Bishop Street widening does constitute a mall-related impact and that it therefore is a legitimate concern of this DEIS and should have been more fully addressed. We ask that this be the case in the final EIS. At very least we expect the ACE to await the decision of the courts on whether the widening of Bishop Street is or could be construed as a mall-related impact or not. The final EIS may then lay claim to a greater degree of ~~originality~~ objectivity.

Thank-you.

John C. Cavadini

The ConnDOT, in its deliberations on project 100-130, the widening of Bishop Street, has failed to fullfill its obligations on these specific points of state and federal lw.

I. The Connecticut Environmental Policy Act, section 22a la 3, and the National Environmental Policy Act, section 102(2)(c). The environmental assessment book, prepared by the ConnDOT to defer completion of the FONSI, is felt to be inadequate, and negligent of indirect environmental impacts occuring because of this road improvement.

see: 1) Correspondence, John Sawyer to Arthur Powers, 3-18-80, page 183-9, Public Hearing Transcript.
2) Testimony, Fred Krupp to ConnDOT, 3-18-80, page 84-7, Public Hearing Transcript.
3) Testimony, Ann Magoun to ConnDOT, 3-18-80, page 28-9, Public Hearing Transcript.
4) Interdepartmental Memo, Arthur Rocque to Howard Monnier, 4-10-80, folder.
5) Interdepartmental Memo, Edward Dooling to Howard Monnier, 4-11-80, folder.

II. Connecticut statute 14-311, obliges the developer, and not the state, to assume fiscal and legal responsibility for road improvements in any way related to the developer's private investment. The ConnDOT cannot accomodate ANTICIPATED traffic numbers in their decision, when they know the identity of the developer to generate those numbers: in this case, the mall developer. Numerous documents exist to support the mall-relatedness of the Bishop Street project.

see: 1) Correspondence, Lester Gott to Norris Andrews, 4-18-75, page 90-5, Environmental Assessment.
2) Correspondence, Donald Leavitt to Alma Engels, 5-17-79, page 217, Public Hearing Transcript.
3) Minutes, DOT design engineers and Town Officials, 11-13-78, page 97-9, Environmental Assessment.
4) Minutes, DOT design engineers and Town Officials, 11-22-78, page 100-1, Environmental Assessment.
5) Testimony, Reed Mitchill to ConnDOT, 3-18-80, page 24-5, Public Hearing Transcript.
6) Testimony, Richard Steinberg (mall developer) to ConnDOT, 3-18-80, page 41-3, Public Hearing Transcript.
7) Testimony, Benjamin Barkam (mall consultant) to ConnDOT, 3-18-80, page 26-8, Public Hearing Transcript - also mailed statement, page 119-30, Public Hearing Transcript.
8) Correspondence, Reed Mitchill to ConnDOT, 2-6-81, folder.
9) Traffic Report, Division of Traffic Highways to Alan Mess (mall consultant), 8-27-79, folder.
10) Traffic Analysis, Parsons and Brinckerhoff For Daniel Riesel (mall hired attorney) 10-22-80, folder.

III. Volume 7, chapter 7, section 2, of the Federal Aid Highway Program manual, for the U.S. Department of Transportation, Federal Highway Administration, requires classification of FHWA programs as non-major or major. Legals notices for both Bishop Street Public Hearings, neglected to specify this. All pertinent data supports its listing as a major action, requiring an extensive environmental study.

see: 1) Public Hearing legal notices, for both hearings, folder.
2) Correspondence, John Sawyer to Arthur Powers, 3-18-80, page 183-9, Public Hearing Transcript.

IV. Code 128, no. 23 of the U.S. Federal Aid Highway Act of 1958, states that the state DOT conform to community planning goals regarding urban impact. Appeals by the City of New Haven, to consider the impact of the road project on existing urban centers, have been ignored. A capitol development impact statement, filed by the ConnDOT, claims no urban impact exists in this case.

see: 1) Testimony, Fred Krupp to ConnDOT, 3-18-80, page 84-7, Public Hearing Transcript.
2) Correspondence, John Sawyer to Arthur Powers, 3-18-80, page 183-9, Public Hearing Transcript.
3) Correspondence, Biagio DiLieto to Max Scheider, 1-17-80, page 190-1, Public Hearing Transcript.
4) Correspondence, City of New Haven to Max Scheider, 1-17-80, page 192-201, Public Hearing Transcript.

V. National Advisory Council for Historic Preservation guideline 360FR800, obliges the determination of the effected area's eligibility for the national register of historic districts, be completed.

see: 1) Testimony, Anthony Pagano, to ConnDOT, 3-18-80, page 62-7, Public Hearing Transcript.
2) Testimony, Virginia McVarish to ConnDOT, 3-18-80, page 72-4, Public Hearing Transcript.
3) Correspondence, John Shannahan to Donato Altobelli, 7-11-79, page 205-6, Public Hearing Transcript.
4) Correspondence, Jordan Tannenbaum to Donato Altobelli, 10-11-79, page 207, Public Hearing Transcript.
5) Correspondence, Donato Altobelli to John Shannahan, 6-11-79, page 208-9, Public Hearing Transcript.
6) Correspondence, Donato Altobelli to Robert Garvey, 10-5-79, page 211-15, Public Hearing Transcript.

** In addition, it appears grossly improper for the ConnDOT and the FHWA, to proceed with the Bishop Street project, pending the completion of the historic district study at both the Federal and State level, and the findings of the Federal Army Corps of Engineers, which has included the mall's traffic circulation on Bishop Street, as part of its e.i.s.

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See pg. 25

PROPOSED SCOPE OF WORK FOR THE
DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR THE PROPOSED NORTH HAVEN MALL

PRELIMINARY DRAFT

The Organization and Content is a broad outline of the scope of the Draft Environmental Impact Statement. The sections which follow describe the scope in more detail.

Organization and Content

- Cover Sheet
- Summary
  - Applicant's proposed project
  - Basis of Corps' jurisdiction
  - Purpose of and need for the proposed action
  - Major factors considered in applicant's planning process to date
  - Discussion of Significant Impacts/Areas of Controversy
    - Public benefit of the proposed action
    - Adverse impacts
  - Reasonable alternatives
  - Unresolved issues
- Table of Contents
- Purpose of and Need for the proposed Retail Service Facilities
  - Applicant's Proposed Project
  - Applicant's Purpose and Need
  - Public benefit
  - Demand Analysis of Retail Service Facilities

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portation

The principal purposes of this section area to evaluate the impact upon traffic in the vicinity of the site, and to provide input data for other analyses contained in this document.

Affected Environment

- Traffic in the vicinity of the site (expressed in level of service for all links) ?
  - Peak hour and temporal distribution (by hour, weekday vs. weekend) for retail facility and local traffic
  - Major routes
  - Secondary Routes
- Travel patterns in the region - using vehicular miles travelled (VMT) analysis
- Public transportation relative to proposed site

Environmental Consequences

- Impact on access routes, will include evaluation of estimated increase in traffic due to retail facility on each route. Adequacy of existing routes to accommodate projected increase.
- Evaluation will include:
  - Major Routes
    - Valley Service Road
    - Route 22 - Bishop Street
- Secondary and local streets (e.g., Whitney, Ridge and Milbrook)
  - Identification of significantly impacted streets
  - Evaluation of incremental traffic flows attributable to retail facility
  - Possible changes in level of service
- Travel patterns within the region
  - Connecticut Interregional Planning Program (CIPP) Transportation Data Base

Parsons Brinckerhoff

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Parsons Brinckerhoff Quade & Douglas, Inc. Engineers • Planners

October 22, 1980

Mr. Daniel Riesel
Winer, Neuberger, & Sive
425 Park Avenue
New York, New York 10022

Re: North Haven Mall EIS
Analysis of 3 Lane Improvement
Plan for Bishop Street

Dear Mr. Riesel:

Pursuant to your request, we have briefly reviewed the proposed plan for reconstruction of Bishop Street between State Street and Hartford Turnpike from its existing 2 lane cross section to a 3 lane cross section as developed by the CONNDOT.

Our comments which follow are the result of an analysis of data provided by Barkan and Mess and a review of public records relevant to the improvement of this portion of Bishop Street in North Haven.

- Based on the State's generated traffic volumes, as presented in their EIA, the 3 lane plan will function at Level of Service F throughout in the year 2000. As per FHWA standards, the year 2000 would logically be the design year for the development of a plan for Bishop Street. However, a Level of Service F operation can not be accepted since current accepted practice is to design for Level of Service D in urbanized areas and Level of Service C in rural areas.

- Although it does not appear on paper as a problem, the lane configuration for the State Street intersection is in reality a problem. The problem occurs with the east to west movement on Bishop Street through the intersection. Although only one lane is provided for the through movement (the other lane for left turn movements), the left turn lane is used by vehicles going straight as well. This leads to a confusing, unsafe condition which not only impedes traffic but can cause vehicular accidents.

  Additionally, the State's year 2000 traffic estimates for the Bishop Street east to west approach indicates that the Bishop Street approach will require 2 lanes for the through and right turns and thus, two lanes on the west side of the intersection will also be required.

One Penn Plaza, 250 West 34th Street • New York, N.Y. 10001
212-239-7900 • Cable: Parklap, New York • Telex WU12-5441 • RCA 232 117

Parsons Brinckerhoff

- At the intersection of Bishop Street and ramps accessing the Parkway in a northbound direction, there is no storage lane for vehicles turning left. One vehicle stopping to turn left will in effect reduce the capacity of that section of Bishop Street. Additionally, there is no traffic signal control at the intersection.

  Considering the State's year 2000 estimated traffic volumes in the east to west direction on Bishop Street, this could be a major bottleneck.

- It appears from the State's year 2000 volume estimates that the heavy right turn volume from Bishop Street eastbound to Hartford Turnpike northbound will require more capacity than is provided by the one turning lane. This could be a critical point of future congestion.

In view of design year traffic conditions and considering the scale of investment, we would strongly suggest that the State re-evaluate their position on the development of Bishop Street to 3 lanes.

Very truly yours,

Parsons Brinckerhoff Quade & Douglas, Inc.

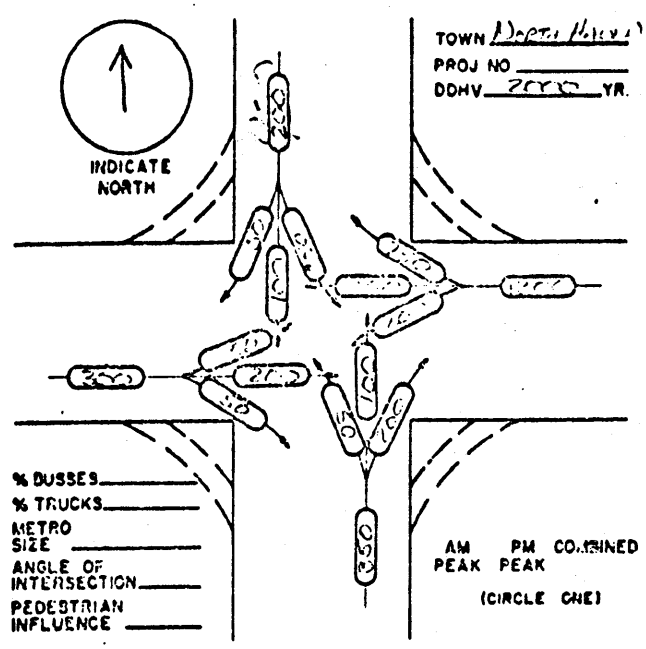
Ronald E. Tadross

Ronald E. Tadross

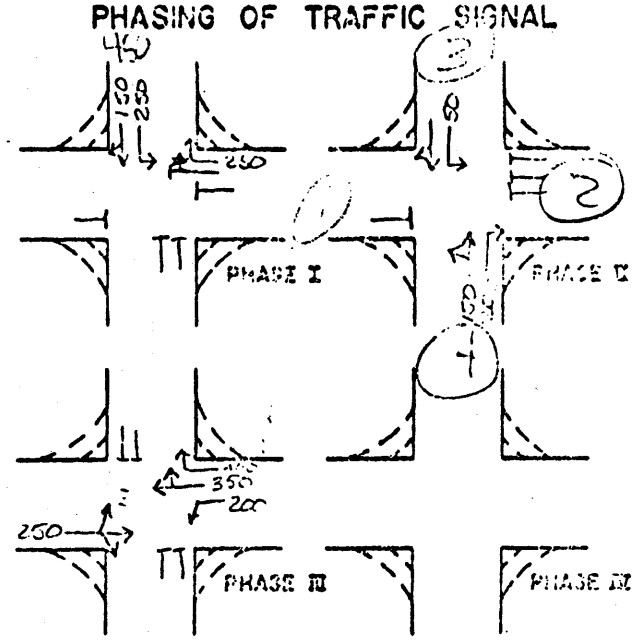
RET/tf

DATE PREPARED	PREPARED BY	INTERSECTION ANALYSIS FORM	ORGANIZATION UNIT NO.	WORK ORDER NO
DATE CHECKED	CHECKED BY			SHEET NO

SUBJECT INTERSECTION BISHOP ST. & HARTFORD PIKE. ALTERNATE 1 4 LANES



PHASING OF TRAFFIC SIGNAL



DETERMINATION OF SIGNAL PHASE TIMINGS

TRIAL CYCLE LENGTH 70 SEC

NO. OF AMBER PHASES 3 x AMBER DURATION 3 SEC

= 9 SEC AMBER TIME

AVAIL GREEN TIME 61 SEC.
CYCLE LENGTH − AMBER TIME

Φ NONADJUST. TIME(SEC) = $\frac{\text{HIGHEST VOL. APPROACH DDHV IN A PHASE}}{\text{NO. OF MOVING LANES IN THE APPROACH}}$ x $\frac{\text{CYCLE LENGTH}}{1720}$

PHASE NO	NONADJUST. TIME(SEC) Φ	X ADJ. FACTOR	= ADJUSTED PHASE TIME	%
I	10.17	1.76	18	.26
II	6.14		15	.21
III	16.28		28	.40
IV				
	Σ = 34.59 SEC.		TOTAL = 61 SEC	

$\Phi 1 = \frac{250}{1} \times \frac{70}{1720} = 10.17$

$\Phi 3 = \frac{400}{1} \times \frac{70}{1720} = 16.28$

$\Phi 2 = \frac{200}{1} \times \frac{70}{1720} = 6.14$

DETERMINATION OF ADEQUACY

PHASE NO	DESCRIPTION OF APPROACH	APPLICABLE CHART NO	APPROACH WIDTH	% TRUCKS	% RIGHTS	% LEFTS	METRO SIZE PHF ADJUST.	G/C	C_D	DEMAND VOL.	STATEMENT OF ADEQUACY
I	HARTFORD, SB	18	12'	5	—	ALL	1.09	.26	260	250	0
II	HARTFORD, NB	18	12'	5	ALL	—	1.09	.21	210	[illegible]	0
III	BISHOP WB	18	12'	5	ALL	—	1.09	.40	400	400	0
IV											

February 6, 1981 151

Connecticut Department of Transportation

RE: project 100-130, Bishop Street in North Haven

Dear Sirs,

First, know that I support a 3 lane design on Bishop Street, nothing more extensive. It should be clear, that the degree, and not the widening itself, has been the essential point of departure. In lieu of a more thorough study of intersection signal phasing, the ConnDOT cannot conclusively deny that this option is reasonable.

Environmental, historical, moral and legal questions inevitably remain, and none of them have been adequately answered. The reason for this, I fear, is far more odious than mere neglect.

In particular, three matters directly concern my father's property. If Bishop Street plans in any way affect the viability of the proposed historic district, for which in eight years we are eligible for inclusion, I would consider the loss of such benefits grounds for potential litigation. Also, the impact of new paving on underground red-rock flooding levels in the vicinity of State Street, has been persistently ignored. This is a problem we have seen magnified by every form of development to the north and west of our home. New damages to our cellar, due to this project, will be brought to your attention without any hesitation. In addition, the ConnDOT has failed to assess the effect of Bishop Street traffic displaced onto State Street. It is impossible to leave our driveway now at peak hours without a red light for right turn vehicles at the Bishop/State Street intersection. With a new right turn lane traffic flow, our situation will become intolerable.

Your efforts, these past months, to deflect the mall relationship, have produced the opposite effect, and with a vengance. The environmental assessment for this project defies basic properties of logical cause and effect. Catechristic interpretations of fact, incredulity and contradictions, forwarded as concrete arguements by engineers void of semantic training, have convoluted logic on a myriad of key points.

The "ideal" solution to traffic congestion on Bishop Street has vacillated, in only two years, from 3, to 5, and now 4 lanes, depending upon slight and highly subjective shadings of information. By its inference, the entire decision making process, tainted by a mall developer commissioned study, has been reduced to an innoculous venture, loosing its novelty along with its descretion.

ConnDOT engineers have vehemantly insisted the decision is technical. Our town administrators, the mall developer and the unions, I'm sure, believe it is political. Residents, of necessity, may yet be compelled to make it a legal one. Throughout, the ConnDOT's apologetic excuse was, that "the town wants it." It should be fairly apparent by now that the majority of the people of the town, the LWV, numerous state organizations and agencies, and the city of New Haven, do not. For your own peace of mind, neither should you.

Some time ago, Deputy Commissioner, Mr. D'Addabbo, explained that state statute 14-311 does not apply in this case because roads are uniformly widened in anticipation of a 20-year traffic cycle. I believe

14-311

this interpretation of the law is seriously deficient. Usual practise is an exemption potentially relevant only where the developer is unknown. On Bishop Street, an important exception exists - the developer slated to generate these very anticipated traffic volumes, is both conspicuous and identifyable. Widening which exceeds that for current needs, at this conjuncture, implicitly includes the mall. So long as the mall remains a potential reality, any ConnDOT decision for the Bishop Street area which accomodates anticipated traffic volumes, must concur with statute 14-311, requiring the mall developer to pay.

You gentlemen must decide to what degree and at what cost you wish to patronize an out-of-state developer. We all know this is the big bad world where things are not done according to the book. But the book - the cliché, if you will - remains; and in the end it still manages to consume an exempliary few. We're not asking you to do us a favor - do yourself one. Build three lanes; a decision which complies with the law, reduces expenditures, ameliorates traffic congestion, facilitates public safety, placates our Selectman, won't haunt you in court, and extricates you from this controversy permenantly.

Sincerely yours,

Reed G. Mitchill

Reed G. Mitchill
26 State Street
North Haven, Ct. 06473

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Report By MCH Date 7-19-79 Checked By _____ Date _____ -Completion Dates- Signals _____ Signs _____ Markings _____ S.T.C. Notified _____ Memo No. _____ See Previous S.T.C. Report No. _____	**TRAFFIC INVESTIGATION REPORT TO THE STATE TRAFFIC COMMISSION** TOWN North Haven LOCATION - West of Route 5 and North of I-91 and Route 22 REQUESTED BY Mr. Alan Mess HOW REQUESTED Certificate Application DATE 9/11/78	S.T.C. No. 100-7809-03 Loc. No. _____ Date to S.T.C. AUG 24 1979 Received By S.T.C. Date AUG 27 1979 Approved By S.T.C. Date _____ Executive Secretary

Recommendations

In accordance with Section 14-311 of the Connecticut General Statutes, as revised, it is recommended that the State Traffic Commission issue a certificate to the North Haven Mall Associates for the proposed North Haven Mall located west of Route 5 and north of I-91 and Route 22 stating that the operation thereof will not imperil the safety of the public.

This recommendation is referenced to the developer's Proposed Improvement Plans (cover sheet dated July 1979 plus eleven 40 scale plan sheets) prepared by Barkan and Mess Associates, Incorporated and based on the following conditions.

1. That the I-91 northbound ramp widening be constructed as per attached plans. (Sheet #1 revised June 25, 1979) adding a lane to a ramp
2. That the Route 5 widening be constructed as per attached plans. (Sheets #1, #2 and #3 revised June 25, 1979).
3. That the Route 22 widening and the addition of a "jug handle" be constructed as per attached plan. (Sheet #4 revised July 6, 1979).
4. That the Valley Service Road widening be constructed as per attached plans. (Sheets #4, #5, #6, #7 and #8 revised July 6, 1979 and Sheets #9 and #10 dated March 1979).
5. That the building of mall drive be constructed as per attached plans. (Sheet #11 revised July 6, 1979).

John Yivari

BY _____

DIVISION OF TRAFFIC
BUREAU OF HIGHWAYS

FORM NO. TRA-10 ED. 10/73

RECOMMENDATIONS (CONTINUED)

6. That the intersection of Mall Drive and Route 5 be signalized.

7. That the traffic control signals at the I-91 ramps to Route 5 be revised.

8. That the I-91 northbound ramp to Route 22 be signalized.

9. That Route 22 at Valley Service Road be signalized and interconnected to the existing signal at west junction of Routes 5 and 22 and the proposed signal in items #8 and #10.

10. That the intersection of Valley Service Road and the I-91 southbound on-ramp be signalized.

11. That the three mall drives on Valley Service Road be signalized and the middle and southerly drive signals be interconnected.

12. That all drainage requirements be satisfied prior to the issuance of a permit by the Department of Transportation's District III office.

13. That all roadway improvements within the state right-of-way be subject to review by the Department of Transportation and all their requirements satisfied prior to the issuance of a permit by the Department of Transportations District III office.

14. That all roadway improvements on Valley Service Road and Mall Drive meet the Town of North Haven's roadway specifications.

15. That all signing and pavement markings as shown on the attached plans be installed and painted respectively.

16. That easements for rights to construct and sloping that are required for the widenings of Route 5 and Route 22 be acquired by the developer prior to construction.

17. That the State Traffic Commission reserves the right to implement additional traffic controls deemed necessary in the future. The cost of any additional controls shall be borne entirely by the owner of the development.

Mr. Alan Mess of Barkan and Mess Associates, Incorporated, the developer's representative, was notified of the above and concurred on July 19, 1979.

Chief Walter T. Berniere, the authorized representative for the Board of Police Commissioners for the Town of North Haven, was notified of the above on July 19, 1979 and he indicated his concurrence.

REPORT OF FINDINGS

TOWN OF NORTH HAVEN

ROUTES 5 and 22

NORTH HAVEN MALL

The Division of Traffic has reviewed the submitted site plan for the proposed North Haven Mall regarding the issuance of a certificate. The proposed facility will be located west of Route 5 and the railroad tracks and north of Route 22 and I-91.

The North Haven Mall is a proposed enclosed regional shopping center with four major department stores plus small supportive stores. The developer has land holding consisting of approximately 137 acres with about 60 acres being proposed for shopping center use. The mall will contain 1,100,000 square feet of gross leasable area and provide 5,625 parking spaces. This facility is expected to generate 42,000 trips on a weekday and 56,000 trips on a Saturday. These generation figures do not take into account trip generation between Thanksgiving and Christmas. The mall is located between I-91 and Route 15 and it is projected that I-91 will carry 41% and Route 15 22% of the mall generated traffic.

Shouldn't they?

The mall has the Valley Service Road as its easterly boundary and is bounded by the Quinnipiac River to the west. Valley Service Road is presently a two-lane town road beginning at Route 22, passing through the site and terminating slightly to the north of it. It also provides access to a southbound on-ramp to I-91 (Interchange #11). Mall Drive is a new roadway which will intersect Valley Service Road at the northerly drive to the mall and intersect Route 5 approximately 1,200' north of the Route 5 and I-91 interchange #12. According to the agreement with the Town of North Haven, the town will construct a railroad underpass under the existing railroad line, while the site developer will construct the roadway. Upon completion, Mall Drive would become a dedicated town road.

ROUTE 5

Route 5 is a four-lane undivided roadway that carries an ADT of 18,500 vehicles with a posted speed limit of 40 mph. Mall Drive will be located approximately 1,200' north of the I-91 Interchange #12. The projected volumes for the mall show 41% of the generated traffic coming from the south on Route 5 and 4% of the generated traffic coming from the north on Route 5. Due to the projected heavy left turn into Mall Drive, a double left-turn lane is required along with two northbound thru lanes and two southbound thru lanes on Route 5. The developers are also relocating the North Haven Fairgrounds Drive to provide a signalized four-way intersection. The ADT on Route 5 between Mall Drive and I-91 can be expected to increase to 32,000 vehicles after the mall is open.

The traffic signals controlling the I-91 ramps to Route 5 will have to be revised for a more efficient operation and the I-91 northbound ramp will have to be widened to provide a double right-turn lane. It is expected that 27% of the generated traffic will use this ramp and 5% of the generated traffic will use the south-bound off ramp. Route 5 from Broadway to the I-91 northbound ramps is programmed to be reconstructed under Project No. 100-134. This project is tentatively scheduled to start construction in the spring of 1980. Route 5 will be widened to 60' in width from Route 22 to the ramp and it will provide a four lane section roadway with turning lanes at major intersections. This section of Route 5 is expected to carry 9% of the mall generated traffic.

ROUTE 22

Route 22 is a four lane roadway with a posted speed of 40 mph between Bishop Street and Washington Avenue. The ¼ mile section of Route 22 east of Bishop Street to Hartford Turnpike is scheduled to be widened under Project 100-130. This project has not had a public hearing yet. After the public hearing the typical roadway section for the widening will be determined for Route 22 as well as the improvements to the Route 15 ramps. Thirty-two percent of the generated traffic will be utilizing this two-lane section of Route 22. Twenty-two percent of the generated traffic will be coming from the Route 15 ramps.

Valley Service Road intersects Route 22 between the Quinnipiac River Structure and the I-91 structure. Because 40% of the generated traffic will be coming from the west on Route 22 the "jug handle" design is utilized to remove this heavy left-turning volume from the two-lane thru movement on Route 22 eastbound. Fifteen percent of the generated traffic is projected to enter Valley Service Road as a right-turn from Route 22 westbound. Route 22 presently carries an ADT of 16,100 and it can be expected to increase to 30,000 ADT west of Valley Service Road when the mall is open.

all the way?

The intersection of Route 22 and the I-91 northbound off ramp will be signalized because of the increased volume projected for the ramp with 9% of the generated volume entering the facility using this "off ramp".

VALLEY SERVICE ROAD

This roadway is an existing two-lane roadway with very minimal development and has an "on ramp" to I-91 southbound located approximately 800'± north of Route 22. Valley Service Road is projected as a four-lane roadway with turning lanes where required. The most southerly drive required a double left-turn lane due to the heavy left-turn movement at this drive. All three drives to the mall will be signalized and the I-91 on ramp will also be signalized to provide a gap for the left-turn movement into the on ramp.

MALL DRIVE

This roadway is going to be constructed as a four-lane divided roadway with turning lanes where required. This roadway along with Valley Service Road will be built to town road specifications and deeded to the town.

NORTH HAVEN MALL INTERNAL OPERATION

This has been reviewed by the Division of Traffic and as discussed by Chief Berniere the internal operation has undergone extensive town review for safety, fire lanes, etc. and the overall acceptance of it will be the town's responsibility.

CAPACITY

Capacity analysis has been computed for the following locations using the roadway geometry as required and the projected volumes for weekdays and Saturdays.

Route 5 at the I-91 northbound ramp
Route 5 at the I-91 southbound ramp
Route 5 at Mall Drive
Valley Service Road at Mall Drive and northerly drive to mall
Valley Service Road at Middle Drive to mall
Valley Service Road at southerly drive to mall
Valley Service Road at I-91 southbound on ramp
Valley Service Road at Route 22
Route 22 at I-91 northbound off ramp

All of these locations showed a "C" level of service or better for weekdays. Route 5 at Mall Drive and Valley Service Road at the southerly drive to the mall were the only locations that had a "D" level of service for a Saturday while the others remained at a "C" level or better. A "D" level of service is acceptable under urban conditions.

2.

The intersections on Route 22 from Bishop Street to Hartford Turnpike were not studied because Project No. 100-130 is scheduled to reconstruct this section of Route 22. The Town of North Haven requested this Urban Systems project through the South Central Regional Planning Agency and the Connecticut Department of Transportation on April 18, 1975. This project is now under design by the Department of Transportation and is tentatively scheduled to have the design completed in the spring of 1980 and construction start in the spring of 1981. The North Haven Mall is scheduled to open in the spring of 1982.

SAFETY

A review of the accident experience on Route 5 and Route 22 in the vicinity of Mall Drive and Valley Service Road respectively indicates no significant accident problem. The accident rate for the studied section of roadways was compared to the improbable rate for the type of roadway to see if there is a significant accident problem. There were 16 accidents on Route 5 in a four year period in the vicinity of the proposed Mall Drive (approximately 500' in each direction). There were six accidents on Route 22 in the vicinity of Valley Service Road (approximately 500' in each direction). The accident experience on Route 5 from I-91 to Wadsworth Street was reviewed and on Route 22 from the I-91 ramp to Bishop Street.

CONSTRUCTION

The developer will have to acquire agreements from all the affected property owners prior to the construction of the required roadway improvements to Route 5 and Route 22. These agreements will be required from all landowners that will have their drives modified, have sloping on their property or will have construction equipment or personnel on their property to implement the required roadway improvements.

The developer has acquired such an agreement from the North Haven Fair and is negotiating with the other affected property owners. These agreements will take considerable time because specific construction drawings will have to be developed to provide the affected parties with the specific information regarding what exactly is the involvement on their property. Because of the time required, it has been requested by the owner that these agreements or permanent easements not be required prior to the issuance of a certificate. These agreements will have to be acquired prior to an issuance of a permit by the Department of Transportation's District III office and it is listed as condition no. 16 in the certificate.

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Send your suggestion to: Employees' Suggestion Awards Program, 165 Capitol Ave., Hartford, 06115.

Interdepartment Message

STO-201 REV. 7/78 STATE OF CONNECTICUT
(Stock No. 6938-031-01)

SAVE TIME: *Handwritten messages are acceptable.*
Use carbon if you really need a copy. If typewritten, ignore faint lines.

To	NAME Howard F. Monnier,	TITLE Acting Supervisor	DATE April 11, 1980
	AGENCY Design Department Dept. of Transportation	ADDRESS 160 Pascone Place, Newington	
From	NAME Edward Dooling Ed	TITLE Planning Analyst	TELEPHONE 2675
	AGENCY Comprehensive Planning Division Office of Policy and Management	ADDRESS 80 Washington Street, Hartford	

SUBJECT Environmental Assessment, Route 22, Widening of Bishop Street and Hartford Turnpike, North Haven

The environmental assessment for project No. 100-130-Route 22 widening of Bishop Street and Hartford Turnpike, North Haven has been forwarded to this office to define the issues which need to be analyzed by ConnDot in accordance with environmental and other review procedures.

1. There appears to be no direct environmental effects associated with the project that need further study except impacts to possible historic buildings. As reference is made often to the purchase of property, rights and easements required to complete the project, we advise that a copy of the EA be transmitted to the State Historic Preservation Officer if this has not yet occurred.

2. Indirect effects are defined under CEPA as "the secondary consequences on local or regional social, economic or natural conditions or resources which could result from additonal activities (associated investments and changed patterns of social and economic activities) induced or stimulated by the proposed action, both in the short term and long term." At issue in the upgrading of Bishop Road is the extent to which the project, because of timing or scale, stimulates actions not in conformance with state policies. Together with environmental evaluation, DOT should consider its responsibilities in implementing the Urban Action policies of the state as stated in Governor Grasso's Executive Order Twenty and the guidance of Presidential assistant Jack Watson in his "Community Conservation Guidelines" issued in December 1979. These policies may be considered as relating to the indirect environmental effects of the of the project. Evidence should be included in future environmental documents for this project that address consistency with these policies and with adopted municipal and regional plans. Specifically at issue are:

a. Clear substantiation is required to support the conclusion that Alternate #4 is preferred whether a mall is constructed or not; i.e., what is the anticipated future development in the area that warrants improvement of traffic operations on this highway at the level proposed? Discussion in the EA is not adequate to make the need statements convincing.

b. In discussion of Alternate #6 - Do nothing, Page 75, it is stated that by the year 2000, it is anticipated that the demand will be for 262% more vehicles and if there is no mall, 127% more vehicles can be expected by the year 2000. Does the 262% represent increased demand if there is a mall? Is Alternate #4 the only viable alternate in a situation with no mall development? What is the rationale for proposing the same solution whether there is an increase of 262% or 127%

5 lanes

c. There is no consideration given to partially serving potential development with mass transit. The EA should address the viability of mass transit or mass transit as a complement to an alternate less comprehensive than Alternate #4.

d. Concerning the role of the state traffic commission, we would like to know if the STC issued a traffic permit for the North Haven mall? Is this permit contingent on approval of the Bishop Street upgrading? Is the statement by former New Haven Mayor Frank Logue accurate that the mall developers estimated that the Bishop Street upgrading road network will accomodate one-third of all mall-generated traffic?

Under the CEPA law, this office will review and determine the adequacy of any EIS or FNSI developed for this project. This memo outlines the issues OPM wants addressed in the environmental document prepared by DOT.

ED:tj

cc: J. William Burns, Under Secretary, Comprehensive Planning Division, Office of Policy and Management

James Sullivan, Department of Transportation

★ THINK CASH! Send in a suggestion. You could win an award! ★
Send your suggestion to: Employees' Suggestion Awards Program, 165 Capitol Ave., Hartford, 06115.

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Interdepartment Message

STD 201 REV 3-77 STATE OF CONNECTICUT
(Stock No. 6938-051-011)

SAVE TIME: *Handwritten messages are acceptable.*
Use carbon if you really need a copy. If typewritten, ignore faint lines.

To	NAME: Howard Monnier	TITLE: Acting Supervisor-Design	DATE: April 10, 1980
	AGENCY: Transportation	ADDRESS: Pascone Place, Newington	
From	NAME: Arthur J. Rocque, Jr.	TITLE: Director	TELEPHONE: 7404
	AGENCY: DEP Planning & Coastal Management	ADDRESS:	

SUBJECT: Widening of Bishop Street and Hartford Turnpike - North Haven

The Department of Environmental Protection, Office of Planning and Coastal Management, has received the environmental assessment for the Federal Aid Urban System project - widening of Bishop Street and Hartford Turnpike in North Haven.

Although I appreciate the opportunity to review the assessment, the context in which it was prepared and sent to me is unclear and causes me to question the purpose and value of any comments DEP might wish to make regarding the proposal.

The Connecticut Environmental Policy Act and regulations for its implementation referenced in the March 20, 1980 memorandum which accompanied the environmental assessment set forth procedural considerations to be followed in the preparation and review of environmental documents, the content of these documents, and the criteria to be used in assessing environmental impacts. In those regulations, an environmental assessment is defined as an internal process to determine an action's probable effects, and not a document subject to formal review.

Further, the environmental classification document prepared by the Department of Transportation pursuant to Section 22a-1-4 of the CEPA regulations, and approved by the Office of Policy and Management includes "highway widening" among activities covered by CEPA. Therefore compliance with the regulations would require that an environmental impact evaluation or a finding of no significant impact be prepared for this project.

I would appreciate a clarification of the role the preparation and transmittal of the environmental assessment has in meeting the requirements of CEPA. I believe any differences in interpretation of CEPA can and should be rectified soon, and I offer my assistance to your office in doing so.

If you have questions regarding this matter, please call Jonathan Clapp of my staff at 3740. Thank you.

AJR:JTC:iw
cc: Jim Sullivan - DOT

JONATHAN T. CLAPP
PRINCIPAL ENVIRONMENTAL ANALYST
OFFICE OF PLANNING AND COORDINATION
DEPARTMENT OF ENVIRONMENTAL PROTECTION

165 CAPITOL AVENUE
HARTFORD, CT 06115

TELEPHONE
566-3740

SAVE TIME: *If convenient, handwrite reply to sender on this same sheet.*

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Stop The Mall/CCAG

Mr. Howard Monnier
Acting Supervisor, Design
Bureau of Highways, ConnDOT
P. O. Drawer A
Wethersfield, CT 06109

April 1, 1980

Dear Mr. Monnier:

This letter is to summarize the position of Stop the Mall/CCAG on Project No. 100-130, Federal Aid Project No. M-2585, the widening of Bishop Street. It is our feeling that the project is an extravagant construction for a private developer.

In its deliberations, ConnDOT should:

1. take special effort to minimize widening the main portion of Bishop Street;
2. reconsider the TOPICS recommendations, plus signal adjustments and creation of turning lanes at intersections only;
3. strive to preserve the Historic District to maintain historic properties and not detract from the overall character of the area.

Here are the major points of our objections:

1. The project in its present form is mall-related.

The original TOPICS improvements in 1971 revolved around Wilbur Cross Parkway ramp congestion. A turning lane and signal improvements were recommended. But in 1975, after introduction of the shopping mall, First Selectman Lester Gott requested an immediate change in Federal Aid Urban Systems priorities in order to fund three mall access projects (including Bishop Street) based on "traffic studies that have been prepared in support of the proposed North Haven Mall". The original improvements focused around the Hartford Turnpike intersection suddenly shifted to widening all of Bishop Street to four lanes.

In November, 1978, town officials were skeptical of ConnDOT's suggested three lane plan, noting, "the proposed construction of a shopping mall to the northeast of this project will have a major effect on the traffic requirements in this area. Although the three lane concept will provide for immediate traffic relief, it definitely will not handle anticipated future volumes when the shopping mall is constructed." How did the town know this? Because the town was studying the lane options "with the consulting engineers who are developing the shopping mall".

Later that month another meeting on the options was held, and ConnDOT

and town officials were assisted in their deliberations by Mr. Benjamin Barkan, "consultant for the Town of North Haven". Mr. Barkan is actually employed by Barkan and Mess Associates, Inc., the consulting firm of the mall developer.

In May, 1979, Mrs. Alma Engels of Bishop Street received a letter from ConnDOT's Rights of Way Office stating, "The number of lanes will depend mostly on whether the North Haven Mall becomes a reality or not".

The record shows that ConnDOT has been working closely with the town and the developer to insure project 100-130 will accomodate the mall. The agency recommended the State Traffic Commission issue a Traffic Safety Certificate even though the report omitted all mention of Bishop Street which carries 32% of the mall traffic. This omission strongly implies an agreement among the town, the developer, and ConnDOT that DOT would take care of the widening later, with taxpayers' money.

ConnDOT at first did its traffic projections with the mall (early 1978). Only later, when citizens complained about the obvious mall connection, did ConnDOT (mid-1979) belatedly produce some traffic projections "without the mall".

DOT's own projections indicate a mall-generated increases from 33% to 73% (as much as 800 vehicles per hour in one direction). It defies common sense that a five-lane Bishop Street will have the same level of service with or without the mall.

According to the following table, Rte. 22 should be five lanes wide at Hartford Turnpike and six lanes wide at State Street, with the mall. And yet, even with six lanes, service levels of D-E can be expected!

Traffic Volumes A.D. 2000 at Locations Along Rte.22

Location	A.D. 2000 DDHV		Increase	
	No Mall	Mall	DDHV	%
Rte. 22, west Htfd. Tnpk.	300	400	+100	+33%
Htfd. Tnpk., South-bd. north 22	450	600	+150	+33%
Htfd. Tnpk., North-bd. north 22	900	1250	+350	+39%
Rte. 22, west-bd. east H. Tnpk.	1200	1700	+500	+42%
Rte. 22, east-bd. east H. Tnpk.	700	1050	+350	+50%
Parkway north-bd. off ramp	650	1000	+350	+54%
Rte. 22, west State Street	1100	1750	+650	+59%
Rte. 22, east State Street	1100	1900	+800	+73%

There is still more evidence, in addition to after-the-fact figures, that the project is mall-related. The most recent alternative proposal to handle Bishop Street traffic is an entirely new road, passing directly from the Wilbur Cross Parkway to the proposed mall site!

2. Even if ConnDOT's figures were accurate, there is no justification for such an elaborate and expensive project.

Urban Systems monies for South Central Connecticut are scarce. It appears unlikely that the Federal Highway Administration will fund such an expensive proposal. It is especially unlikely because the widening is contrary to the President's Urban Policy and disruptive of a Historic District.

The two intersections involved are not even found on the Regional Planning Agency's draft State Implementation Plan list of ten worst congested intersections.

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3. ConnDOT's Environmental Assessment contains multiple errors.
p. 11. The air pollution analysis is based on the mall being built;
p. 35-45 traffic data shows that for all road alternatives (except V, the new road to the north) the number of Vehicle Miles Traveled is exactly the same. This is impossible. For example, IV, the "no-build" option, would preclude the mall from being built. Therefore traffic attributable to the mall would not be a factor. ConnDOT cannot say that the same amount of travel will occur with no-build as with five lanes!

Vehicle Miles of Travel

	I	II	III	IV	V	VI
1975						553,011
						824,555
1985	607,008	607,608	607,608	607,608	602,821	607,608
	930,449	930,449	930,449	930,449	916,761	930,449
2000	654,791	654,791	654,791	654,791	655,739	654,791
	1,024,862	1,024,862	1,024,862	1,024,862	1,012,240	1,024,862

I=4 lanes. II =3 lanes. III=4 lanes plus 1 turning. IV=5 lanes. V=new road. VI=no-build
top figure=VMT on expressways
bottom figure=VMT on other roads

Air pollution analysis on p. 11, which is based on the mall being built, is in error due to the faulty VMT analysis cited above.

The Assessment says Bishop Street is severely congested today, yet predicts tremendous increases in load by the year 2000. This is impossible. Congestion itself limits the amount of further loading.

ConnDOT also cannot justify its 1+% annual increase in traffic because of the new uncertainties of gasoline price and supply.

p. 75. "Bishop Street-Upper State Street intersection" should read "Bishop Street-Hartford Turnpike intersection". This is an important difference as it involves congestion due to the Wilbur Cross Parkway which might be cheaply remedied by TOPICS improvements vs. expensive improvements of the whole street due to the mall.

Percent increases in traffic (127% and 262%) were based on DDHV for a single west-bound leg of that intersection. The majority of this traffic is bound for the Wilbur Cross. The figures from this single leg were inaccurately used to term the whole intersection and all of Bishop Street "severely congested".

No traffic figures for current or past conditions were included.

p. 77. The Assessment says that the economic effect on the community (business) is "none". p. 78 summarizes the results of ConnDOT's consultations with community groups as "town officials and secondary sources" report a "favorable impact" of the project. Obviously, local merchants who fear competition from a giant mall and the hundreds of townspeople on Stop the Mall/CCAG's mailing list were never consulted!

appeal grounds

4. An e.i.s. should be done because the impacts are significant. A finding of no significant impact will not be acceptable to us.
It is clear that any widening project over three lanes will allow for the development of a regional shopping mall which cannot otherwise be built. Therefore the widening is the indirect cause of many significant impacts from potential flooding to air pollution to energy consumption.

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The National Environmental Policy Act requires an environmental impact statement for indirect significant impacts as well as direct ones. The Army Corps of Engineers has ruled that the impacts of the mall are significant, and is requiring an e.i.s. for its wetlands permit proceedings. The Federal Highway Administration agrees that 3 lanes would not require an urban impact statement, but 4-5 lanes would indirectly cause urban impact due to mall development.

appeal ground

5. The project would violate a Historic District.
Historically significant properties in a neighborhood eligible for National Historic District status are threatened. The value of the area is verified by the North Haven Historical Society, the State Historical Preservation Officer, and the Connecticut Trust for Historic Preservation.

6. The mall, responsible for the unusual size of the project, may never be built.
Many uncertainties lie in the way of the proposed mall— among them: the Army Corps wetlands permit and e.i.s.; Planning and Zoning decision; and possible need for an indirect sources permit.

7. The indirect effects on other neighborhoods have not been assessed.
The traffic fallout from the widening project on such local streets as Pool Road, Clintonville Road, and Upper Route 22 was not discussed in the report. Some will face significant traffic volume increases.

Our position, in summary, is this: the record shows that the extravagant 4 and 5 lane designs for Bishop Street are needed simply to accomodate the proposed mall. The record is not convincing that this unusually elaborate widening—even including a brand new mall access road to the north —is needed without the mall. This of course is why the developer and his retinue appeared and strongly endorsed the work on March 18, 1980.

It is certainly true that five lanes would speed up traffic on Bishop Street. But so would eight lanes—and ten would do an even better job!

STATUTE 14-311

ConnDOT can show that four or five lanes would make traffic flow more smoothly. Yet ConnDOT cannot show sufficient public safety justification IN A NO-MALL SITUATION for destruction of a neighborhood. And the agency must not condemn people's homes and pay for an extensive access project to a private developer's commercial establishment with the taxpayers' money.

Sincerely,

Roberta Friedman

Roberta Friedman
president, STM/CCAG

165A

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION

24 Wolcott Hill Road, P.O. Drawer A
Wethersfield, Connecticut 06109

May 17, 1979

An Equal Opportunity Employer

Mrs. Alma H. Engels
4 Bishop Street
North Haven, Connecticut 06473

Dear Mrs. Engels:

Subject: North Haven - Route #22
Project #100-130

Thank you for your letter of May 7, 1979, your comments on the above noted project and the clipping from the Advisor.

Whereas the design has now progressed to a stage where the takings can be determined, it has still not been resolved between the State and the Town as to the number of lanes that are to be built. If we have three only sliver takings will be needed, four involves some houses and five will affect all the houses on the north side of Bishop Street. The number of lanes will depend mostly on whether the North Haven Mall becomes a reality or not.

It is presently anticipated that a public hearing on this project will be held this fall. I urge you to attend and present your questions to the State and Town officials. It will not be until after the public hearing that a decision will be made on the width of the road and its affect on your property.

I cannot tell you when the State will be purchasing property but the present schedule would indicate that it is about two years away.

Very truly yours,

Donald G. Leavitt
Director
Office of Rights of Way

PO-6 X/166

March 25,1982

Division Engineer
New England Division
U.S. Army Corps of Engineers
424 Trapelo Road
Waltham, MA. 02254

Dear Col. Edgar:

At its March 25 meeting, the Statewide Leadership Council of the Connecticut Citizen Action Group received a report from members of our North Haven affiliate, Stop the Mall/CCAG. This report detailed the recent hearings conducted by the ACE on the proposed North Haven Shopping Mall.

As a result of that report, the S.L.C., the elected representatives of over 17000 CCAG members, voted unanimously to urge you to deny the permit for construction of the proposed mall on wetlands of the Quinnipiac River.

As an additional result of the STM/CCAG report and of extensive media coverage of your recent hearing in North Haven, we wish also to express several concerns about the hearing process. The members of CCAG in the course of their efforts to build better neighborhoods, and to achieve progress for low and moderate income people throughout the state on a variety of environmental, economic and social issues have participated in any number of hearings by federal, state and regulatory agencies. Several of our members and staff attended the hearings in North Haven. They have raised serious concerns about whether citizens attempting to participate in the hearing were afforded free and adequate exercise of their constitutional rights to free assembly and free speech. We are convinced, for example, that the facility for the hearing was woefully inadequate and that other, larger auditoriums were available had the Corps exercised more careful planning and greater flexibility over the date of the hearing.

We feel, also, that, given the broad regional impact of this proposal, at least one additional hearing should have been scheduled in New Haven.This might have allowed the North Haven hearing to focus more on the local opposition that has been present for the ten years this project has been planned and that is based on concern over local, negative environmental impacts.

Finally, we want to express our concern at the lack of attention accorded in the draft EIS to the voluminous and substantive material submitted by mall opponenets. We believe the ACE has a federally mandated responsibility to issue a report that reflects a borad perspective and is not dependent on the biased reports of the developer. The cynical comments of your counsel, Mr. Kelly at the conclusion of the hearing were an insult to these who raised this serious objection.

We hope that future comments of the ACE will reflect the thoughtful particiapation of so many in this process.

Sincerely,

Steven Derby Doreen DelBianco

Co-chairs, CCAG
Statewide Leadership Council

CONNECTICUT CITIZEN ACTION GROUP
BOX 6390, HARTFORD, CONNECTICUT 06106
OFFICES: 130 WASHINGTON ST., HARTFORD, CONN.
PHONE 203/527-7191

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Respond - FEIS [illegible] PO-7 167

Tax Revenue Potential for Light Industrial Development on the North Haven Mall Site.

A Report to the Army Corps of Engineers, New England Division

In opposition to application #13-79-561 for a permit under Section 404 of the Clean Water Act of 1977, and Section 10 of the River and Harbor Act of 1899

By Stop The Mall/Connecticut Citizen Action Group

March 27, 1982

I. Introduction

Proponents of the North Haven Mall have attempted to convince North Haven residents that the proposed mall is the optimum use of the 118-acre site along the Quinnipiac River. They claim that only the mall will contribute significant tax revenue to the Town of North Haven, and that North Haven residents' concerns about flooding, traffic, pollution, and changes in the quality of North Haven life are insignificant when compared to the fiscal benefits of the Mall.

This report counters those claims by outlining the potential for significant tax contributions by a much more benign form of economic development that is feasible for the mall site -- light industry.

II. Summary

According to Appendix L of the Draft Environmental Impact Statement, Economics and Land Use, the proposed mall would generate $1.2 to $1.4 million annually in property tax revenue. This estimate assumes an assessed value of $30 million and a mill rate of 46.30.

If, instead, 110 acres of the proposed mall site were developed for use by 22 light industrial concerns, the Town could expect an annual tax yield of over $1 million. The assumptions used to determine this yield are explained in the next section.

Light industrial development would also result in less flooding, less traffic, less pollution, fewer changes in the quality of life, and more skilled, high-paying, permanent jobs than the proposed mall offers.

III. Assumptions

The assumptions listed below that are not North Haven-specific are statewide "rules-of-thumb" provided by James Musante, Location Services Director, Connecticut Department of Economic Development.

1) The area available for development is 110 acres. Although the proposed mall intends to use 117.5 acres, the industrial development scenario assumes that 8 acres are left uncommitted to ensure flexibility in placing roads, utilities, etc.

2) The 110 acres is divided into 22 5-acre plots. This size of plot was suggested by DED as the most common and versatile plot size.

3) Structures and parking for 100-200 cars cover 1½ acres of each 5-acre plot, or 30%; the balance is either planned as open space or left untouched. This provision easily satisfies North Haven's Planning and Zoning Commision requirement of 35% maximum lot coverage.

The site could be economically developed even less densely. Examples of industrial parks with 20% lot coverage are parks developed by the Fisher Company of Farmington. Reducing density would, of course, tend to reduce tax revenue.

4) Land costs are $40,000 an acre. This estimate was provided by DED. Land values for the mall site in today's market may well exceed this figure, because of the site's access to transportation routes and regional sales and labor markets.

5) Each 40,000 square foot (ft^2) building costs $1.2 million to construct. This figure is based on DED estimates of $30/$ft^2$, and a building size that DED considers the most common and versatile size.

6) Assessment is 60% of market value, and the mill rate is 46.30. These figures are used here for comparison purposes: they are the same as those used in Appendix L of the DEIS. Likely actual figures would be 70% of market value and a mill rate of about 25.

7) Personal property taxes (taxes on equipment inside the building) contribute 50% as much revenue as real property taxes. This assumption was provided by DED.

IV. Calculations

1) cost of each 5-acre plot = $200,000 land ($40,000/acre × 5 acres)
+ $1,200,000 structures and parking
$1,400,000

2) total investment = $1,400,000 investment/plot
× 22 plots
$30,800,000

3) taxable value = $30,800,000 total investment
× 0.60 assessment ratio
$18,480,000

4) real property taxes/year = $18,480,000 assessed value
× 0.0463 mill rate
$855,624

5) personal property taxes/year = $855,624 real property taxes
× 0.5 personal/real tax ratio
$427,812

6) total property taxes/year = $855,624 real property taxes
+ $427,812 personal property taxes
$1,283,436

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V. Conclusion

Light industrial development is more appropriate than a regional mall for the proposed mall site for several reasons. First, the 22 structures used in this example would materially alter the characteristics of only 33 acres. The mall developer, by contrast, has proposed altering 78 acres, including 26 acres of wetlands. The dispersed nature of a light industrial development permits priority development of non-wetland areas and protection of wetlands. On balance, the light industry alternative would preserve more wetlands for floodwater protection than would the proposed mall.

Second, the light industry alternative would produce less traffic. Mall Properties, Inc., predicts (Appendix H, p. 2, DEIS) peak traffic volume for weekdays of 21,000 vehicles, and Saturday volume of 28,000 vehicles. If each concern in the industrial development alternative employs 200 people (the upper limit of the range provided by DED), each of whom drives a car, that alternative would result in a peak traffic volume of 4,400 cars/weekday, and many fewer on Saturdays. If the light industrial alternative were substituted for the proposed mall, less road building, traffic engineering, and police costs would be incurred by the town. In addition, less pollution would be produced.

Third, light industrial development would provide between 2200 and 4400 permanent jobs for the labor market area. In contrast, the mall developer projects a total operating employment of 1600 jobs, according to Appendix L (p.92) of the DEIS. Almost 40% of these jobs will be parttime, according to the DEIS, while industrial jobs are generally fulltime. Finally, wages of the 93% of the employees who are non-management are projected to be $4.00/hour, well below any projections for industrial wages. Assuming that construction wages for the two alternatives are comparable, the industrial development alternative would provide many more permanent, fulltime, high-paying jobs than the proposed mall would provide.

In conclusion, this report has demonstrated that at least one alternative form of development has the potential for significant revenue contribution and may have a reduced adverse impact in several important ares.

North Haven Mall Energy Impact Analysis: Inaccurate and Misleading

A report by: Stop the Mall/Connecticut Citizen Action Group

To: the Army Corps of Engineers, New England Division

In opposition to application #13-79-561 for a permit under Section 404 of the Clean Water Act of 1977, and Section 10 of the River and Harbor Act of 1889

March 27, 1982

The Draft Environmental Impact Statement for the North Haven Mall attempts to determine the amount and type of energy the proposed mall would consume and the impact of the mall's energy consumption on local energy supply. Based on important miscalculations of energy usage and inadequate information about reasonable alternatives, the report concludes that the impact will be insignificant.

This report highlights the major shortcomings of the developer's report to the ACOE, and explains why the Corps should not rely on the report. Further detail on this issue has been provided in " A Response to the 'Energy Impacts' Report on the Mall", a STM/CCAG report previously submitted to the ACOE.

Appendix P uses the basic measure of energy, British Thermal Units (BTU's) to determine the energy use of the proposed mall. For instance, Table 1 presents peak space heating demand for each of the anchor stores and for the mall stores, while Table 2 presents annual energy consumption for the buildings. A comparison of these two tables, however, raises questions.

Two stores in Table 1, R.H. Macy's and G. Fox, have higher peak energy demands than the other two stores, while in Table 2 their annual energy consumption is reported to be less than half of each of the other stores' consumptions. This discrepancy is not related to size: the Macy's and the Fox buildings are in fact larger (190,000 ft.^{2} each) than the Sears and the J.C. Penny's (156,000 and 140,000 ft.^{2}, respectively). And the discrepancy is not related to type of heat: Macy's intends to heat electrically, while G. Fox intends to use gas.

Even more strangely, the Mall Stores building, which is by far the largest structure (440,000 ft.^{2}), plans to use more energy annually than Macy's or G. Fox, according to Table 2, yet it will require considerably less peak energy than any of the stores, according to Table 1.

While it seems possible that in both tables the Mall Stores' heating needs have been shifted to the "electricity" column, Macy's heating needs have not been so shifted. This lack of consistency makes it impossible for the reader to under- either how much energy will be used or where it will be used or what type of energy will be used. The text does not clarify this confusion.

One consequence of shifting Mall Stores' heating from the "BTU" column to the "electrcity" column is that annual energy consumption for heating all the stores totals only 12.8 Billion BTU's per year. This is roughly equivalent to the heating needs of 100 single-family homes, as the report notes on page 13. An honest compari-

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son could have been achieved by determining the BTU content of the electricity used to heat the Mall Stores.

However, the heating needs of the Mall are insignificant when compared to other energy uses, such as air conditioning, but the report provides no convenient comparisons for these more critical uses. The following comparisons were made by STM/CCAG, using information in the developer's report, and are fully explained in the previous report referred to above.

* United Illuminating will have to burn 541,527 gallons of oil to air condition the mall alone. That's the amount of oil needed to heat about 540 single-family homes, about 5% of the homes in North Haven.

* Air conditioning alone will use as much electricity as 1200 single-family homes use in a year, about 13% of the homes in North Haven.

* Annual electricity consumption of the mall (30,550,000 kwh) is the equivalent of what 5155 average single-family homes would use in a year. That's over half the homes in North Haven.

While none of these comparisons prove that North Haven residents will experience energy shortages if the mall is built, they provide sorely needed perspective that is not available in the Draft EIS. This perspective is essential if one wishes to evaluate the pros and cons of different energy uses. The conclusion that the mall's energy consumption would have "an insignificantimpact on energy consumption in the area"(Summary DEIS, p. IV-34) relies on the assumption that energy sources are infinite. United States energy policy has recognized that this is not the case.* While it is indeed difficult to assume that today's apparently plentiful supplies are finite, this assumption must be made when considering a project with such massive implications as the North Haven Mall.

STM/CCAG expects that the submission of this report, along with a copy of the report submitted in September 1981, will result in an energy analysis in the Final EIS that will reflect accurately the mall's projected energy use and its real impact on the community it wishes to join.

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* an example of the dwindling availability of conventional energy supplies is the cancellation of Pilgrim II nuclear power project and the imminent cancellation of Seabrook II, both of which United Illuminating counts in its capacity planning.

A RESPONSE TO THE "ENERGY IMPACTS" REPORT ON THE NORTH HAVEN MALL

BY: STOP THE MALL/CONNECTICUT CITIZEN ACTION GROUP

JULY, 1981

A Response to the "Energy Impacts" Report on the North Haven Mall
By : Stop the Mall/Connecticut Citizen Action Group
July, 1981

INTRODUCTION

The North Haven Mall Energy Impacts Report describes a proposal that would do severe and lasting economic and environmental damage to the North Haven region. This response presents the actual energy impacts of the Mall and suggests changes in construction, design, and operation that are technically and economically feasible today and that would minimize the adverse impacts of the proposed development.

This report has six parts. The first four examine the functions of the Mall that will require the most energy: space heating, air conditioning, hot water, and lighting. The fifth section details the impact of using oil-generated electricity for about 97% of the Mall's energy. The last section lists some realistic conservation and alternative energy options omitted by the developer's report.

I. Space Heating

The mall developer proposes to heat the mall with a combination of electric resistance, natural gas, and oil heating units, combined with the waste heat of patrons, electrical equipment, and lighting. This section explains why the actual use of scarce fuel sources is greater than the report indicates and suggests that a better way of meeting the relatively light heating load would be to rely on simple and cost-effective passive solar strategies.

The mall report calculates the total heating load to be about 12.8 billion British Thermal Units per year (BBTU/yr.). This number is an underestimate, however, because it is calculated treating electricity as a fuel burned at 100% efficiency. As the report indicates on page 5, 3413 BTU's of energy produced by 1 kilowatthour (kwh) at the point of use require 11,000 BTU's at point of generation because of generation inefficiencies. This means that the actual efficiency of electric heat is about 30%, or about half that of natural gas or oil heat. In addition, because United Illuminating, the local electricity supplier, generates almost all of its electricity today, and will generate all of its peak electricity into the next century, by burning oil, each BTU of electrical energy must be regarded as having been produced by 3 BTU's of unstable, expensive foreign oil.

The corrected total heating needs of the mall (using 7.4 BBTU for the Mall Stores and 5.5 BBTU for Macy's) is 21.7 BBTU/yr. This is equivalent to the total energy requirements of about 164 single-family homes in Connecticut*.

* this figure is calculated using the average single-family residential figure of 132 million BTU/yr. developed in Appendix A.

While the proposed use of electric resistance heating should be avoided due to the inefficiency factor noted above, natural gas and oil should not be used in its place except as backup heating for cheaper and more reliable heat sources. Because controls have already been removed from domestic crude, oil prices in the future will depend on an unpredictable world market particularly vulnerable to political instability. Predicting the future price of gas is even more problematic. According to a 1981 report by Energy Action, a Washington-based research organization, commercial customers now pay about $4.5 billion annually for natural gas. With gradual decontrol under the Natural Gas Policy Act, this figure will reach $22 billion in 1985. * If the Reagan Administration and the major oil companies succeed in decontroling gas sooner, the costs will be much greater.

The mall report fails to consider the only predictable, inexpensive heating source: passive solar design. The Solar Energy Research Institute, under contract with the U.S. Department of Energy, recently published the results of an extensive examination of realistic conservation and alternative energy options.** SERI found that 30-40% of the space heating needs of commercial buidings could be provided today by simple "direct gain" -- large, south-facing windows on the ground or on the roof that use only typical building interiors to trap and store daytime solar heat. SERI reports the costs range from $2 to $11/sq. ft., with a fuel savings cost of $4/MBTU (p.84 and p.86).

The report suggests placing electric resistance heaters at the building's entrances, where the most heat is lost. Instead, the mall could be designed with large, south-facing windows around the entrances, with an overhang to keep out the summer sun and a vestibule to prevent heat loss in the winter.

II. Air Conditioning

The mall will require more energy for air conditioning than for any other function: 7,000,000 kwh/yr., according to Table 2 of the report. If the average single-family electricity customer uses 5,926 kwh/yr. (see Appendix B) the mall's 7,000,000 kwh could be used to serve about 1200 homes. And assuming that one gallon of oil produces about 13.1 kwh, UI will need to burn an extra 541,527 gallons of oil every year to satisfy the mall's cooling needs. Clearly, any reduction in cooling would significantly conserve scarce resources.

The mall developer proposes to install a total of 33 separate roof-top air-conditioning units in the common and tenants' areas, even though this method is less energy-efficient than the central refrigeration plants the owner-occupied department stores propose to use. According to a recent article in Shopping Center World (May 1979) roof-top units use about 40% more energy than central plant systems, have a lifetime 1/2 or 1/3 as long as central plants, are more difficult to control and repair, and often lead to serious roof leakage. According to the design director for Homart Development Co., Sears' development division, some malls choose not to use the central plants because they cost about 50% more initially to install, even though in the long run they're more cost-efficient as well as more energy-efficient. In general, Homart says, developers who intend to sell the

* Energy Action, "The Decontrol of Natural Gas Prices", February, 1981

** SERI, A New Prosperity: Building a Sustainable Energy Future Brickhouse Publishing, Andover, Mass., 1981, 454 pp.

mall after construction will take the cheapest way out initially, and let the buyer deal with the problems later.

Another method of cooling without wasting scarce fuel is being used by Prudential Insurance in Princeton, New Jersey. Their building will use a pond that is built up into a huge block of ice during the winter, then covered in the spring and summer. Cool water is drawn off the pond in hot weather and circulated through the building's cooling system. The structure, which uses other conservation techniques as well, is expected to use less than 30,000 BTU/sq. ft./yr., about 1/10 the proportional amount of energy the mall plans to use (New York Times, May 17, 1981, Section 8).

Other ways of reducing cooling loads that are not mentioned in the report include using recouperators, which allow exiting air to cool incoming air by separating the two airflows by only a thin sheet of metal or plastic; providing each store with a thermostat and billing it for the amount of energy it uses; cutting back on cooling at night; and reducing the heat gain from lighting, which will be explored further in the section on lighting.

III. Domestic Hot Water

In comparison with other functions, the mall will require little energy for heating water: about 1.456 BBTU/yr., although this number will be higher if any of the owner-occupied buildings choose to heat water with electricity, due to the BTU loss in generation noted on page 1 of this report. Most of the fuel the mall plans to burn to heat water could be conserved if the mall used an active solar hot water system instead.

The mall report performs a cost-benefit analysis for a solar hot water system that concludes that the system analyzed would clearly provide some financial as well as energy savings. If just three corrections were made in the report's calculations, solar water heating would be shown to be even more attractive.

First, no allowance was made for federal, state, and local tax breaks for investing in solar. The IRS offers businesses a 15% energy investment tax credit for solar equipment; Connecticut exempts solar equipment from its sales tax, which is now 7.5%, and occasionally offers low-interest loans through the Connecticut Development Authority; municipalities can exempt solar equipment from property taxes for up to 15 years. A study done recently by a Chicago attorney and former IRS accountant determined that the federal tax breaks alone can result in very substantial savings: "... if a company in the 50% marginal income tax bracket purchased a $50,000 solar system, the company is entitled to depreciation allowances and credits which equal deduction equivalents of $40,714 for an effective 81% write-off in the first year," he concluded (Solar Age, June 1981).

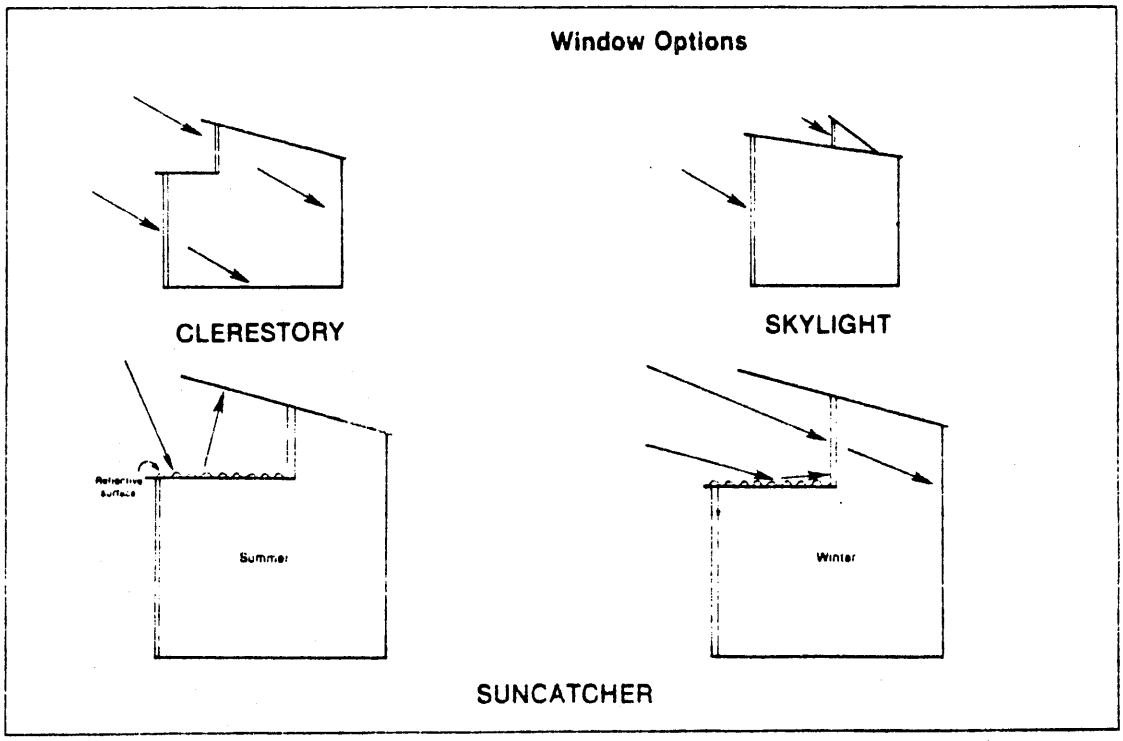
Second, the price of $50/sq. ft. of solar collectors in 1979 is unrealistically high. SERI, in line with other sources, reports that costs range from $30 to $40/sq. ft. in early 1980. In addition, SERI reports that most predictions of annual cost increases run 2% to 3% below the inflation rate, with the US DOE predicting annual increases of 5% below the inflation rate (SERI, p.90).

Third, the report chooses natural gas as the fuel to be displaced by solar, although it is just as likely, according to the report, that oil and electricity will be used in the absence of solar. Solar systems are generally considered to be more cost-effective than oil or electricity already, and competitive with natural gas as well in many parts of the country.

IV. Lighting

The opportunity for wasting energy in lighting is limitless. Only about 19% of the energy consumed by an efficient flourescent lamp results in visible light: the rest is waste heat -- 70-105 BBTU/yr.* in the North Haven Mall, about 1/3 of the mall's total annual energy requirements. This waste heat -- the equivalent of the total energy requirements of 530-800 single-family homes** -- does reduce the heating load in the winter, when more efficient fuels and/or passive solar can more appropriately fill the need for heat, but dramatically increases the cooling requirements in the summer, when relatively inefficient and expensive electric-powered air conditioners have to compensate for heat generated inside as well as out.

The most most efficient approach to this seasonal change in the usefulness of lighting byproducts is the use of daylighting -- specifically the use of clerestery windows. These are usually roof-top south-facing, vertical windows equiped with a large overhang. During the winter, the windows allow heat as well as light to penetrate, while during the summer only light can penetrate. Some examples are shown in the illustration below.



* this number is computed by multiplying the average heat gain of 8-12 MBTU/hr. (given on p. 3 of the mall report) by 8760 hours in a year.

** based on average annual requirements of 132 MBTU/yr. see Appendix A

The SERI study reviewed and reported the energy impact and cost of daylighting in 3 large office buildings in different parts of the country. It found that adding daylight and installing dimmer switches and on-off switches by zone cut lighting requirements by about 46%, although heating and cooling requirements increased as a result by about 14%. If the North Haven Mall used these techniques, which would be even more suitable for a single-story building than for an office building, it could save over 40 BBTU/yr.*, or the equivalent of the total energy requirements of about 300 single-family homes.**

Other malls have chosen to retain artificial light but use more efficient lamps. High Intensity Discharge lamps that last longer and are more energy-efficient than conventional lamps have been recently designed to approximate the warmth of incandescent light, according to a recent issue of Shopping Center World (April 1981). For instance, the magazine reports, the new 160,000 J.C. Penney building at the Fair Oaks Mall in Fairfax, Va., has reduced its total energy use by 35% by using all HID lighting units.

In addition, tenants should have more control over their lighting than the report suggests. This can be accomplished by allowing tenants to design and install their own lighting fixtures instead of flooding the whole mall with light; allowing tenants to dim their lights as they choose and turn them off at the end of the day; and metering and billing tenants only for the electricity they use, giving them the opportunity to control their use and costs. Finally, lights that are not specifically required for cleaning should be turned off until morning throughout the mall, as the G. Fox store intends to do.

V. Electricity

Because electricity is convenient, and because rates have been held below levels that accurately reflect the resources used to produce it, many commercial, residential, and industrial consumers have used electricity when other fuels would have been more efficient. This section examines the impacts of the mall developer's plans to use electricity for about 97% of the mall's energy needs.

According to Table 2 of the mall report, the mall will require about 30,550,000 kwh annually for lights, air conditioning, equipment, some space heating, and some water heating. Assuming that the average non-heating single-family home in Connecticut uses 5926 kwh annually,*** the mall developer plans to consume the same amount of electricity as 5155 homes. Clearly, any reduction in the mall's use of electricity will result in greater accessibility for area residents to scarce power supplies.

Because UI generates almost all its electricity by burning oil, the mall's impact on oil supply and price will be substantial. Given that 13.1 kwh are produced by burning each gallon of oil, the mall can be expected to require UI to burn about 2,332,061 gallons of oil every year. This amount of oil could otherwise be used to heat 2155 homes****. This pressure on the fuel market will increase oil prices for the utility,

* this number was determined by finding the difference between the 14% increase in the corrected heating load of 21.7 BBTU/yr., which is 3 BBTU/yr.; and the 46% decrease in the (conservatively estimated) lighting load of 100 BBTU/yr., which is 46 BBTU/yr.

** based on annual requirements of 132 MBTU/yr.: see Appendix A

*** see Appendix B

**** average single-family space heating oil home uses 1082 gallons/yr.: see Appendix C

raise the Fuel Adjustment Charge component of energy bills, and increase oil prices for customers in the region. Even later in the 1980's, if nuclear units partially owned by UI begin operation and reduce the utility's percent of oil-generated electricity, the mall, as an incremental load, will require power generation solely by oil -- indefinitely.

For a healthy utility this sudden growth in demand, with an emphasis on the summer peak, would create serious problems; for UI, which has the highest rates in the country outside of New York and which is regarded by Wall Street investors as only slightly less speculative than the company that owns Three Mile Island, this development could be disastrous. For UI's small customers, who already subsidize the large users' discounted rates, and who have experienced an increase in rates between 1970 and 1978 of from 1.5¢ to 5.8¢/kwh, the impact of the mall's new demand will be to further increase energy costs and inflation in the New Haven metropolitan area.

Finally, the mall's projected electricity use boosts the energy consumption to an extraordinary 304,302 BTU/yr./sq.ft. Considered in terms of BTU's, heating fuel for 3 buildings will require 8.8 BBTU/yr., water heating will require 1.456 BBTU/yr., and all the rest of the energy used by the mall, because it is electrical, can be determined by multiplying the total electric demand (30,550,000) by the 11,000 BTU's required to produce each kwh. The total BTU content of the mall's electrical demand, then, is 336.050 BBTU/yr. Added to the other fuels, the total BTU content of the mall's projected energy consumption is 346.2963 BBTU/yr., the equivalent of the total energy requirements of 2619 average single-family Connecticut homes. And divided by 1,138,000 square feet, the average energy use by the mall as planned will be an astronomical 304,302 BTU/yr. /sq. ft.

VI. Conservation

In addition to the conservation and alternative energy measures suggested in this report, many other reasonable options were omitted by the mall developer's report. Some of the more obvious omissions are noted here.

The developer's report fails to seriously consider the potential for burning mall-generated trash in a cogeneration unit that would supply the mall with both steam for heat and electricity. An article in Shopping Center World (September 1979) indicates that a mall the size of the proposed North Haven Mall produces about 227,600 lbs. of trash every week, 80% of which is high-carbon-content paper products. The article, which presents the results of a study done for the U.S. Environmental Protection Agency, concludes that in larger shopping centers like the North Haven Mall enough trash would be available to make the heat recovery system feasible. The study found that the realistic potential for heat recovery from garbage lies in new centers because of the difficulties of retrofitting older centers.

In addition, a cogeneration unit burning a conventional fuel would greatly improve the energy efficiency of the mall. If steam, which is usually considered a waste by-product of the electricity generation process, is instead used to heat space or hot water, the efficiency of the generator can actually approach 100%. The Enfield Square Mall is one example of a Connecticut cogenerator that has been operating successfully for several years.

The mall report omitted any mention of heat pumps, although these units have a capability of actually producing more heating and cooling energy than they consume, and have been well tested in mall markets.

The mall report makes no mention of solar orientation -- positioning the building at an angle that will not preclude future owners and tenants from using the sun's heat and light efficiently in the future. Recent Connecticut legislation requires housing developers to consider solar orientation in their construction plans.

The mall report does not mention double- or triple-paned glass for windows, or vestibules at entrances. Both measures are commonly regarded as cost-effective ways of conserving energy and dollars.

The mall report does not consider the impact of berming -- either embedding the structure in the ground or pushing the ground up around the building. This technique, another proven cost-effective energy saver, takes advantage of the year-round 55-degree temperature underground.

Finally, the mall report makes no mention of the Connecticut Conservation and Development Plan, as required by the Army Corps of Engineers Scope Outline. The most recent revision of the Energy Resources section of this Plan is attached to this report as Appendix D.

APPENDIX A **(these tables are from a report prepared for the Connecticut General Assembly in response to Public Act 80-53. They were prepared by the Office of Policy and Management, Energy Division. The report is titled: "Connecticut Options for Balancing Energy Supply and Demand")**

TABLE 3-B

Average Net Requirements of Electric, Gas and Oil Space Heating Units[1]

	Average Oil		Average Gas		Average Electric	
	BTU Consumption (106)	Units (103)	BTU Consumption (106)	Units (103)	BTU Consumption (106)	Units (103)
Single Family Detached *	93.78	457	94.137	128	64.8	63
					[electric consumption corrected for generation loss: 208.846 MBTU/yr.]	
Multi Family						
Single Family Attached	71.68	182	71.140	48	38.7	26
Multi Family Low Rise	55.638	72	56.133	21	28.8	14
Multi Family High Rise	40.3	33	40.3	7	26.8	8
Mobile	42.5	11	42.5	2	35.2	4
Average Multi Family	63.252	298	63.598	78	33.935	52

1. The REFORM model estimated Connecticut's 1978 housing stock by age of structure, heating source and net energy requirement. The energy requirements in this table are a weighted average of all households by type of housing unit and fuel used.

   The number of households estimated by the model is different from the number calculated in Table I. Therefore the weighted average of net energy required may not precisely reflect the net energy requirements of the 1978 housing stock.

[* average consumption of a single-family detached house in Connecticut: 132.25 MBTU/yr.]

APPENDIX B

TABLE 4

Average Non-Heating Consumption of Electricity for Single and Multi-Family Households[1]

	Single Family		Multi Family
Residential			
Consumption 2	5371.5 x 10^6 KWH		2017.3 x 10^6
Space Heating 3			
Customers	37,463		57,703
Average Consumption	18,992 KWH		9,946 KWH
Total Consumption	771.5 x 10^6 KWH		573.9 x 10^6 KWH
Water Heating 3			
Customers	181,528		101,013
Average Consumption	6,351 KWH		4,425 KWH
Total Consumption	1152.9 x 10^6 KWH		447 x 10^6 KWH
Total Space and Water	1924.4 x 10^6		1020.9 x 10^6
Non Space and Water	3447.1 x 10^6		996.4 x 10^6
N.U. Customers -Sytem	581,672		371,227
Average yearly consumption	5,926 KWH		2,684
Weighted Average		4,661	
Average Monthly Consumption	494		223
Weighted Average		388	

1. These results are calculated from Northeast Utilities system data.
2. NU 1979 Forecast
3. These are my estimates of households

APPENDIX C

TABLE 3-A

Average Annual Consumption of Electric, Gas and Oil Space and Water Heaters in Connecticut.[1]

	Space Heating		Water Heating	
	Single Family	Multi Family	Single Family	Multi Family
Electric [2,4]	19,991 KWH	10,469 KWH	6,355 KWH	4,425 KWH
Gas [3,4]	~~128 MCF~~	86.8 MCF	28,076 CF	19,549 CF
Oil [3,4]	1,082 gal	729 gal	238 gal	165 gal

1. The average efficiency of the various fuel systems is 62.5% for oil, 72.5% for natural gas, 95% for electricity.

2. The consumption figures for electric space heating is estimated using the average required BTU figures of 64.8 x 10^6 BTU for single family and 33.935 x 10^6 for multi-family units developed in Table III-B.

3. The consumption figures for oil and gas space heating is estimated using the oil required BTU figures in Table III-B of 93.78 x 10^6 BTU for single family units and 63.252 x 10^6 BTU for multi-family units.

4. The consumption figures for oil and gas single and multi family water heating units was derived from Northeast Utilities average consumption of 4,425 KWH (15.098 x 10^6 BTU) for multi-family households and of 6,355 KWH (21.683 x 10^6 BTU) for single-family households used in their 1979-1988 forecast.

5. The REFORM data has not been adjusted to reflect reductions in space heating consumption due to lowered thermostat savings. In the REFORM model it is assumed that the average household temperature setting is 70°. Another assumption utilized is that space heating is required whenever the outdoor temperature is more than 5° colder than the desired indoor temperature. So, in order to keep a household at 70° the space heating unit would have to start operating whenever the temperature falls below 65°.

   A weighted average of responses to the R & L Survey question asking average day and night-time temperature setting indicates a household temperature of 66.5°. This means a space heating unit is needed whenever the outdoor temperature is less than 61.6°. The reduction in energy needed for space-heating is approximately equal to the percentage reduction in outdoor temperatures whcih is 5.2%.

APPENDIX D : the "Energy Resources" section of the Connecticut Conservation & Development Policies Plan, Revision of 1982-1985. Prepared by Office of Policy and Management, 80 Washington Street, Hartford, Connecticut, 06115.

GOAL

TO PROVIDE FOR A DIVERSITY OF ENERGY SOURCES WHICH CAN MEET THE LONG-TERM AND SHORT-TERM NEEDS OF THE STATE AND TO PROMOTE EFFICIENT PATTERNS OF ENERGY CONSUMPTION CONSISTENT WITH A VIABLE ECONOMY AND A REASONABLE QUALITY OF LIFE FOR ALL CITIZENS.

POLICY AND PRIORITY ACTIONS

Policy A

Conserve energy resources by avoiding unnecessary and wasteful consumption and use all practical means and measures to promote effective and efficient energy utilization.

Action 1 Promote federal policies and programs that provide incentives and standards for conservation and efficiency, particularly vehicle and major appliance energy efficiency standards.

Action 2 Implement legislation which has been passed by the General Assembly and in the National Energy Act of 1978 to lower energy consumption in all sectors.

a. Provide energy inspection audits and financial assistance for weatherization of residences through the Residential Conservation Service (ConnSave).

b. Increase the energy efficiency of schools, hospitals and municipal buildings through the energy grant program for Schools and Hospitals, Local Governments and Public Care Institutions.

c. Enforce the building energy performance standards of the State Building Code.

d. Explore residential programs concerning burner inspection and maintenance, minimum standards and labeling for insulation and home weatherization assistance for the disadvantaged.

e. Implement the annual inspection and maintenance program for automobiles.

Action 3 Conduct energy audits of major publicly owned facilities, improve in-service training of maintenance personnel and implement energy-oriented capital improvements.

Action 4 Assist towns in weatherization of municipal buildings.

Action 5 Promote energy conservation in the business sector as a means of decreasing expenditures, generating more capital for reinvestment, and thus improving opportunities for economic expansion.

Action 6 Establish comprehensive programs of public education and conservation to reduce per capita energy demands by eliminating wasteful energy consumption practices in all sectors of the economy.

Policy B

Promote, to the maximum practicable extent, utilization of renewable energy resources -- solar, hydro, wind and wood.

Action 1 Develop cost competitive solar thermal technologies through use of federal research support; State coordination of research, information and education programs; funding of demonstration projects; promotion of local manufacturing and distribution capabilities, and removal of institutional obstacles to widespread solar applications.

Action 2 Design and orient new State buildings to make better use of natural heating and cooling and help and encourage others to do so.

Action 3 Determine the feasibility of small-scale hydroelectric facilities at existing dams where cost-effective and consistent with State water resource plans.

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Action 4 Encourage environmentally sound forest management on public and private lands and support the utilization of waste wood as a supplemental source of energy.

Action 5 Promote coordination among State research and development industries, electric utilities and public agencies to expand opportunities for electric generation by wind power.

Policy C

Substitute recoverable solid wastes and coal for petroleum sources to the maximum extent practical consistent with public health and environmental quality.

Action 1 Recover or keep separate from solid waste all materials capable of conversion to clean fuels, petrochemical substitutes, rubber tires or other products which can be recycled at an energy savings.

Action 2 Monitor emerging coal processing, conversion, and emission control technologies for acceptable economic and environmental application in the State.

Action 3 Establish statewide waste oil recovery and recycling systems for fuel and non-fuel petroleum products.

Policy D

Encourage energy-efficient patterns of development.

Action 1 Support actions which contribute to reduction of total trips, travel distance and time, increase in vehicle occupancy, improved energy efficiency of vehicles, improvement of traffic flow, and increased usage of public transportation and energy-efficient modes of freight movement.

Action 2 Encourage energy-efficient development patterns --revitalized Urban Centers (as defined in the Locational Guide), higher densities in public transportation centers and along corridors, staged contiguous urban growth and planned mixed-use development.

Action 3 Encourage use of cogeneration and district heating by both utilities and industries to supply electricity and process steam where economically practical.

Policy E

In times of shortage and uncertain supply, allocate available fuel fairly and in a manner which minimizes disruptions of the economy, public institutions and households.

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Action 1 Maintain and strengthen the monitoring of national energy policy development to insure equity for all regions and economic sectors.

Action 2 Support development of national or regional strategic fuel reserves by the federal government which are adequate to insure continued energy availability during times when normal sources of supply are temporarily interrupted.

Action 3 Identify costs and benefits associated with the preservation of sites and areas which are necessary for facilities for the generation, transportation and storage of energy to meet future needs.

Action 4 Promote diversity in the mix of fuels available to consumers in the State for the future.

PO-8 187

21 Central Ave.
North Haven, CT 06473
March 8, 1982

Mr. Robert Adler
Army Corps of Engineers
424 Trapelo Rd.
Waltham, MA 02154

Re: North Haven Mall Draft E.I.S.

Dear Robert Adler:

Thank you for the conference on February 16.

Three points that were brought out then I hope you will pursue and add the information you get to the final E.I.S.

1. I request that you read and make a part of your final E.I.S., the papers written for Burlingta, Vt. showing the expected detrimental effects of a suburban Pyramid Mall there. The papers are available from:

Arthur Hogan
Chittenden County Regional
Planning Commission
53 Pearl St.
Essex Junction
Vt. 05452

2. Enclosed is the 2/14/82 article about a Stamford mall which will open its anchor stores with no smaller shops open yet. Are there indicaions from other sources also that new retailing will not florish? Please speak to this in the Final E.I.S.

3. Referring to page IV 30, if the Police Chief in North Haven has estimated zero to four new officers might be needed in addition to the regular force because of the mall, I'd like to find out if they anticipate the need for a squad car too and what the price of that is likely to be. Over $9,000 was recently spent for each new squad car plus $1,200 for the light bar on top of each and gas consumption would have to be estimated for

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each additional squad car. There are 3 shifts in our police force, there are vacations and sick leave so North Haven must hire at least four officers to cover one police position for all shifts throughout the year. For each of these officers, benefits add 30-50% of each line item salary.

Please seek out malls of comparable size to the North Haven mall and find out from their adjacent towns if new policemen were needed in their area because of the mall and its secondary development. Please include this information in the Final E.I.S.

Sincerely,

Letitia McPhedran

Letitia McPhedran
STOP THE MALL/CCAG

For ACE

PO-9 187

Remarks of Letitia McPhedran on
behalf of STOP THE MALL/CCAG at the
North Haven Army Corps of Engineers
Public Hearing on the Mall.

Good evening. I am Letitia McPhedran one of the Co-chairs of STOP THE MALL/CCAG, a group of North Haven residents who have been active in the effort to stop the construction of the proposed shopping mall on the wetlands of the Quinnipiac river.

We are glad you have come to our town this evening to hear comments on the draft environmental impact statement on the mall. Since the Army Corps regulations allow the developer of the project to prepare the various studies on which the EIS is based, you can I am sure understand our concern about the objectivity of the material on which your judgement will be based. During the compilation of the draft under review tonight, Army Corps officials have been accessible and courteous, yet we have found little in the draft that reflects the extensive and broad based comments that we and others opposed have made over the past year. We hope that tonight's hearing will redress that imbalance. We have been assured of your receptiveness to comments through the period ending March 29, but we want to be sure to get on the record tonight as many of our comments as possible.

Unfortunately the rules of this proceeding do not allow us to make a unified presentation. The eight or nine people representing Stop the Mall have tried to register in succession. Each will also identify him or herself as a representative of the group.

One thing we want to make clear is that STOP THE MALL is a locally based group formed by residents soon after word of the proposed mall came out. We knew They did not have The required permits, We foresaw then and foresee now a deterioration of the quality of life of our town and the region once the traffic impacts, air pollution and flooding problems and economic costs of the project begin to be felt.

In 1973, 200 North Haven residents voted against a town appropriation for the mall. In 1974 a similar number ~~appeared before~~ petitioned the Conservation Commission against The Mall. There have been several other hearings where many residents urged the cessation of this project. I bring with me tonight hundreds of names signed to petitions opposing the mall. We have gathered these names wherever we have found our neighbors and fellow citizens. We view them as an extension of the many residents who have come here tonight to oppose this project. Because supporters of the mall organized by the developer have made our affiliation with the Connecticut Citizen Action group an issue, I want to add that this group has provided research and technical assistance to STOP THE MALL without in any way compromising the autonomy and local nature of our organization.

I think the best way to summarize our message to you tonight is to state that we find the draft EIS woefully lacking in its appreciation of what North Haven and surrounding towns will lose if the mall is built. The developer's consultants have prepared a propaganda piece for the project. We and other qualified people have gone to great lengths and considerable personal expense and effort to point out the defects of the studies they have assembled.

I would like also at this point to submit an extensive list of questions raised during our analysis of the draft which I have been assured the Army Corps will carefully consier and attempt to answer prior to concluding its study of this issue,

The testimony we and others present tonight documents the inadequacy of the developer's statement. We urge you to deny this permit without undue delay.

Thank you.

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NEWS FROM...

Stop The Mall/CCAG

FOR IMMEDIATE RELEASE:
March 19,1982

For further information:
Reed Mitchill: 239-2193
Pearl Loffredo:239-3972

NORTH HAVEN RESIDENTS TESTIFY AGAINST PROPOSED MALL

Members of STOP THE MALL/CCAG, the North Haven affiliate of the Connecticut Citizen Action Group, tonight urged the U.S. Army Corps of Engineers to deny a permit for construction of a one million square foot shopping mall on wetlands of the Quinnipiac River in North Haven. The group suggested light industry or office space as a less damaging alternative to the mall.

Speaking at a public hearing on the draft of an Environmental Impact Statement (EIS) on the project, the group's Co-chair Letitia McPhedran, questioned the objectivity of the draft which was based on analyses of potential impacts prepared by consultants to Mall Properties of New York, the mall developer. Ms. McPhedran noted that "we have found little in the draft that reflects the extensive and broad-based comments that we and others opposed to the mall have made over the past year." Ms. McPhedran presented the hearing officer with a list of twenty-three questions either raised by the draft or not covered in it. The Army Corps has agreed to respond to questions raised during the comment period which ends Mar. 29.

To emphasize their disappointment with the study STM Co-chair Sandra Aivano presented the ACE panel with an annotated and underlined copy of

MORE

CONNECTICUT CITIZEN ACTION GROUP
BOX G HARTFORD CONNECTICUT 06106
OFFICES 130 WASHINGTON ST HARTFORD CONN.
PHONE 203 527 [illegible]

the draft EIS showing statement after statement that the group feels reflects a pro-mall bias.

Im response to an ACE request for 'case histories' from similar malls, the group presented the results of a door-to-door canvass of forty-five residents of neighborhoods near the Westfarms mall in West Hartford. The West Hartford residents whose average residence was 16.3 years, expressed extensive dissatisfaction with the mall and its impacts on traffic, flooding, property values and tax rates. STM member Heidi Boettger reported that 64% of those interviewed said they would prefer another type of development on the Westfarms site.

A series of STM speakers presented testimony questioning the validity and accuracy of the EIS findings on flooding, air pollution, traffic, job development and economic impacts of the proposed mall. A petition with over 1000 signatures of North Haven and area residents opposed to them mall was left with the ACE representatives.

Others expressing opposition to the project included the City of New Haven, State Representative Mary Mushinsky, the Connecticut Fund for the Environment, the League of Women Voters of New Haven, North Haven, Hamden and Guilford, the CT., League of Women Voters and the Bishop St. Preservation Committee.

WESTFARMS MALL SURVEY - SUMMARY OF RESULTS

No. of Respondents - 45

Length of residence in neighborhood - average of 16.3 years

Since you've lived here, have you noticed changes in:	Yes	No	No Opinion	Mall-related? Yes	No	No Opinion
the crime rate	23	16	4	16	3	5
traffic	36	6	2	32	-	-
air pollution	14	-	1	16	12	4
flooding (on respondent's land)	20	20	1	16	1	1
erosion (on respondent's land)	14	20	-	13	2	1
general quality of life	11	16	7	12	-	-

Conditions are:

	Much Worse	Worse	Better	Much Better
crime rate	1	20		
traffic	17	13	1	
air pollution	5	8		
flooding	5	10		
erosion	4	8	1	
quality of life	3	5	2	

Has the mall reduced taxes for homeowners?

Yes	No	No Opinion
2	34	4

If you had the choice, would you prefer another kind of development in your neighborhood instead of a mall?

Yes	No	No Opinion
29	13	2

If yes, what kind of development?

light industry	1	anything but the mall	4
recreational	2	open space	3
smaller commercial	5	offices	1
housing	15	as it was before	1

Summary of Conclusions:

75% of respondents found the mall not helpful in reducing property taxes
71% found traffic worse or much worse because of mall construction
64% would have preferred another form of development
36% found the mall contributed to flooding in their properties and to crime.

PO-10 194

21 Central Ave
North Haven CT
06473

3/16/82

Robert Adler
Army Corps of Engineers
424 Trapelo Rd
Waltham MA 02254

re: North Haven Mall Draft EIS

Dear Rob Adler,

Enclosed are questions citizens have expressed concern about as they have called me during the past month in dismay over the lack of impartiality of the draft EIS. They might have expressed these concerns directly to you also. Please answer every comment here in the Final EIS.

Sincerely,
Letitia McPhedran

approved by P+Z Register 195

Family plans to develop 75-acre industrial park

By EDWARD PETRAIUOLO III
Staff Reporter

Herbert Pearce and Donald Lippincott are not the only ones who have faith in the economic future of the town.

Nor are they the only ones investing in it.

The Leonardo family, led by patriarch Ernest, is undertaking to build a 75-acre industrial park off Stoddard Avenue.

One of the differences between the Pearce-Lipppincott ventures and the one to be started by the Leonardos is that the Leonardos are also builders and will construct buildings to suit possible tenants.

NORTH HAVEN

The site, which will be developed gradually, has been purchased from the Plasticrete Corp., and is bounded by Interstate 91 on the east, Stoddard Avenue on the north, the Quinnipiac River on the west and Route 40 (the Mount Carmel connector) on the south.

The first portion of the project scheduled for completion will be the northern section, which is about 20 acres. It will be followed in about one year by much of the remaining 55 acres, according to Leonardo's son, William.

The younger Leonardo, who is the general manager of ELC Contractors, said his father has much experience in the field, already having developed two small projects in Hamden.

"We like North Haven and the prospects for development here because the administration has been so helpful in trying to entice industry to town. We see a lot of growth potential here for a town that already has such a strong tax base," said William Leonardo.

He said the family already has rented ⅔ of the 47,000-square-foot building that sits on a six-acre subdivision and has several prospective tenants for the remaining space in the building.

The building, which had been used by Plasticrete before it moved out, was altered to suit the new occupant, Associated Furniture Freightways. The company specializes in transportation of furniture.

The estimated price of a two-acre plant now in the first phase of the development is expected to be between $100,000 and $130,000, according to the younger Leonardo.

The family still has to complete a road that will lead traffic from Stoddard Avenue into the complex. Now, the road is not finished and will be fully paved by the summer, he said.

"We have to say that the administration has been very receptive all along to this project and we expect to see good things happen," he said.

Construction Soon to Begin on Railroad Property

NORTH HAVEN: 129 acres of Penn. Central Corporation land in No. Haven was recently purchased by Herbert H. Pearce, President of H. Pearce Co. Realtors of No. Haven for $800,000. Pearce was joined in the venture by No. Haven businessman Donald Lippincott and fellow real estate agent J. DeForest Venter.

The plot is the largest piece of industrial property in southern Conn. with direct access to Interstate 91 and railroad lines.

Pearce plans to begin the first phase of construction on the park in June. The town of No. Haven has tentatively agreed to pay the developers 2 million dollars toward the cost of building a bridge to gain access to the highway.

WANTED: Unused fuel oil, transfer oil. Call 393-0175.

FOR SALE: Full length Nutria fur coat, fox collar, size 14, value $3,000, selling $1500 firm, 787-0040

CUSTOMERS WANTED who need 3 complete rooms of brand new pine furniture. Includes a herculon living room set with solid pine tables & lamps, a heavy pine bedroom set and dark pine dining set. Complete price only $1088. For details call Bob, 1-628-9836. BRENNER SOUTHINGTON FURNITURE WAREHOUSE OUTLET. Free layaway terms.

FOR SALE: Draperies, must be seen. $2,500 value at $450. Velvet valances, imported gold sheers, olive satin lined drapes, triple, double slider, 8 ft. length. 288-6936

WANTED: O[illegible] [illegible]ifles, pistols and shotg[illegible] [illegible]y condition. Also bu[illegible] [illegible] clocks, any condition. 795-4387 or 795-4477.

From 1980-81
Annual Report +
Civic Calendar 1981-82
Published by Town of
North Haven CT

Economic Development

The Economic Development Commission acts as a liaison between the Town and industrial and commercial enterprises. It also endeavors to attract new businesses to locate in North Haven.

North Haven provides comprehensive Town services while at the same time maintaining one of the lowest tax rates in the area. The Town enjoys excellent accessibility to all types of transportation.

In the past year the Commission has succeeded in attracting considerable commercial development to North Haven. A large industrial park located between Sackett Point Road and Bailey Road was approved by Town officials. A private developer is committed to construct another major industrial park on 131 acres of Penn Central Corporation property off Universal Drive.

These gains, together with the coming new Plan of Development, bode well for North Haven's sound financial future.

To Rob Adler,
Army Corps of Engineers
re: North Haven Mall

From Letty McPhedran
McPhedran
21 Central Ave.
North Haven Ct. 06473
2/20/82

197

Will you please investigate the developments occuring currently at the Penn Central site and the Bailey Rd site as evidence that development of empty industrially zoned land will be interesting to developers in our town. This refutes your EIS contention that the Mall site cannot be developed.

I wish the Army Corps to investigate, themselves, the Industrial/Commercial use of the Mall site. The industrial/commercial column of Table 4 in Draft EIS need to be rewritten - traffic for instance should be shown not to exist all day long as with a mall, impact on Geology, Soils etc MIGHT BE LESS. Where are the positive comments for industrial/commercial development off Mall site Army Corps of Engineers, you must step back + evaluate impartially, not just accept every fact the developer feeds you. Rewrite table 4 impartially please

Please note in attached news article about the Leonard land and development that a large 75 acre industrial plot has recently been planned. The site plan was approved by Planning + Zoning. This is since the Draft EIS came out. Note = Other sites in North Haven can be sold for development and your argument that the Mall site cannot be developed any other way is IRRATIONAL. Strike it out, please in the Final EIS and give us some impartiality.

To: Rol- Adler
Army Corps of Engineers
re: North Haven Mall

From: Betty McPhedran 198
McPhedran
21 [illegible] Ave.
North Haven [illegible] 06473
2/20/82

(2)

It is stated in EIS that a large percentage of minority workers will be hired at the Malle. This is based on statistics of Northeast retailers, but we feel it should be based on statistics from other ~~malls~~ suburban malls + not include inner city workers working downtown.

One flaw with the whole mall is that it will end up taking jobs from minority inner city workers ~~[illegible]~~ in downtown retail center and giving them to suburban housewives of middle income.

Please investigate minority employment at suburban shopping centers, instead of retailers in general to determine what might be the minority employment at the future North Haven Mall

Please include a list of malls you have contacted and the minority employment number for each mall in the final EIS.

TO: Rob Adler
Army Corps of Engineers
re: North Haven Mall

From Letty McPhedran

McPhedran
21 [illegible] Ave.
North [illegible] 173

2/21/82

(3) 199

Will you please look at the publication of The Urban Land Institute in Washington, D.C. The Shopping Center Development Handbook, 197 to determine whether your EIS speaks to all the relevant concerns in regard to shopping Malls

To: Rob Adler
Army Corps of Engineers
re: North Haven Mall

From Betty McEhedran
21 [illegible] Ave.
North [illegible] 73

2/19/82

The evening T.V. news told today of the bankrupcy of The May Co. stores in the New York Communities of Levittstown, Massapequa, Woodmont, Fishkill and Scarsdale The May Co. is the [redacted] parent company over G. Fox who has contracted to be an anchor store in the North Haven Mall.

Will you please investigate whether the May Co has the financial strength to maintain a new G. Fox store in our area of declining population? Please include a statement about it in the Final EIS.

Coalition announced to defend clean air regulations

CCAG joined in a precedent setting alliance of labor, community, and environmental groups to form the **Connecticut Clean Air Coalition.** The Coalition formally introduced itself to the public at a press conference at the State Capitol on December 11, 1981.

The Coalition was formed to fight weakening of Clean Air and Occupational Safety and Health Administration (OSHA) regulations that are presently being threatened by the Reagan Administration. Coalition speakers targeted specific Reagan proposals that would seriously damage Clean Air Act and OSHA effectiveness in Connecticut.

"Never before have the many groups in this coalition felt such a strong need and desire to work together to protect the environment inside and outside the workplace. There is an obvious link between our concern to maintain and strengthen these laws to protect public health," said Ms. Holly Shadler, director of Connecticut Sierra Club.

Other speakers at the event included Henry Murray, Vice-Chair of Connecticut Council on Occupational Safety and Health (ConnectiCOSH); a representative of the State AFL-CIO; and State Representative Teresalee Bertinuson, co-chair of the State General Assembly's Environment Committee.

The Coalition, stressed that occupational health and safety remains a major issue for Connecticut workers. Henry Murray quoted statistics indicating that over 2,000 deaths per year in Connecticut are due to job-related disease. "While workers in this state are literally dying for the right to know what toxic chemicals they are exposed to, Reagan and Auchter have killed the standard . . . which would have required that all toxic chemicals be labelled by their chemical name," Murray said. "What they call deregulation, we call putting profits before lives."

In remarks concerning the Clean Air Act, Ms. Shadler outlined threats to clean air in Connecticut posed by the Reagan Administration policy proposals, "Proposals to use cost-benefit analysis to set health standards, double auto emission standards, and to delay critical regulations to deal with acid rain and toxic air pollutants, are some of the threats we will have to face in the reauthorization of the Clean Air Act," said Ms. Shadler. "These proposals would be particularly harmful to Connecticut because we cannot control pollution from other states coming in to our own state."

Rep. Bertinuson pledged strong support of the Coalition's goals. She stressed the need for a strong federal Clean Air Act, noting that Connecticut has traditionally had strict state statutes on the issue.

The Clean Air Coalition's next move will be to coordinate a statewide blitz on Connecticut's Congressional delegation. Citizens from all congressional districts will flood their legislators with postcards demanding they work to maintain strong Clean Air and OSHA acts. This will be followed up by meetings between Coalition members and Connecticut congresspeople.

The Clean Air Coalition was initiated in September by several environmental groups. It has grown to include 23 environment, labor and community groups across the state.

To New Haven
Army Corps of Engineers
re: North Haven Mall

From Betty McPhedran 203

McPhedran
21 Central Ave.
North Haven Ct. 06473

(5)

2/25/82

There are new concerns for clean air since you wrote your EIS. I enclose two articles to show that citizens in Connecticut are fighting for tougher, stricter standards. I enclose the correspondance from the Conservation Commission showing their dissatisfaction on the granting of an air quality permit. What standard should the Corp's seek out if such obvious unhappiness is felt by citizens over current air quality + standards?

Please answer the questions of Norma Trifenbrunn's letter as if they were addressed to the EIS air quality study

New Haven Register 2/20/92

Moffett bill toughens clean air law

By ANGELA D. CHATMAN
Staff Reporter

Proposed revisions in the Clean Air Act supported by the Connecticut Clean Air Coalition and a similar national coalition represent realistic changes in the existing law, which nonetheless help strengthen it, according to U.S. Rep. A. Toby Moffett, D-6.

Moffett, who is co-sponsoring the revisions with U.S. Rep. Henry A. Waxman, D-Calif., announced plans to introduce the legislation into Congress on Monday during a speech Friday at the Yale School of Forestry and Environmental Studies. Waxman made a similar announcement in Washington, D.C.

The 1977 Clean Air Act Amendments — the teeth of the law, which set certain pollution standards and deadlines — expire this year. Moffett contends a Reagan Administration-backed bill introduced in the House of Representatives would weaken the law.

The Litchfield Democrat, who is seeking his party's nomination for the U.S. Senate seat now held by Republican Lowell P. Weicker Jr., conceded that revisions in the act must be made. But, those introduced in the Waxman-Moffett bill would relax some deadlines, but not as much as the Administration-backed bill, and add provisions aimed at strengthening the law.

"We are not ready to stand by and allow what is a gutting of existing law," he told the audience of roughly 75 persons.

"What we're confronted with here is a very, very powerful group that wants to roll back the progress that we've made on clean air," he said, referring to the coalition which backs what he calls "the dirty air bill."

Citing the differences between the proposed Waxman-Moffett revisions and those supported by the Reagan Administration, Moffett said, "The dirty air bill moves those deadlines (for meeting clean air standards) to 1993 and virtually eliminates the controls to make sure the deadlines will even be met in 1993.

He said the Waxman-Moffett bill would:

- Extend the deadline for limiting sulfur dioxide emissions from 1982 to 1985, while the administration-backed legislation would extend the deadline to 1993. Sulfur dioxide is a primary contributor to the creation of "acid rain," which is formed when water vapor in the atmosphere combines with sulfur oxides from plants and produces sulfuric and nitric acids that wash down with rain or snow.

- Extend the deadline for limiting nitrogen oxides from 1982 to 1987, while the other legislation [illegible] extend it to 1993.

- Retain the Clean Air Act deadline 1987 for limiting carbon monoxide and manmade ozone, while the other bill would extend it to 1993.

- Adopt in its entirety the Moffett bill aimed at controlling acid rain by reducing contributing pollutants and encouraging flexible control techniques, such as fuel blending and thermostat adjustments.

Moffett said the administration's does not address the issue of acid rain.

- Strengthens the ability of states suffering from air pollution from sources in other states to seek relief. He said provisions in the current law, which make it difficult for states such as Connecticut, which is affected by pollution from other states, would remain untouched.

- Streamlines the "Prevention of Significant Deterioration" provisions of the current law by altering monitoring and reporting requirements of the program, which is aimed at protecting the air quality of national parks and wilderness areas, where existing quality is already better than national standards.

He said the administration-backed legislation would result in the repeal of some of the PSD provisions and thus permit five times the number of air violations than currently allowed.

- Would regulate and control 37 toxic air pollutants while the administration's bill would not.

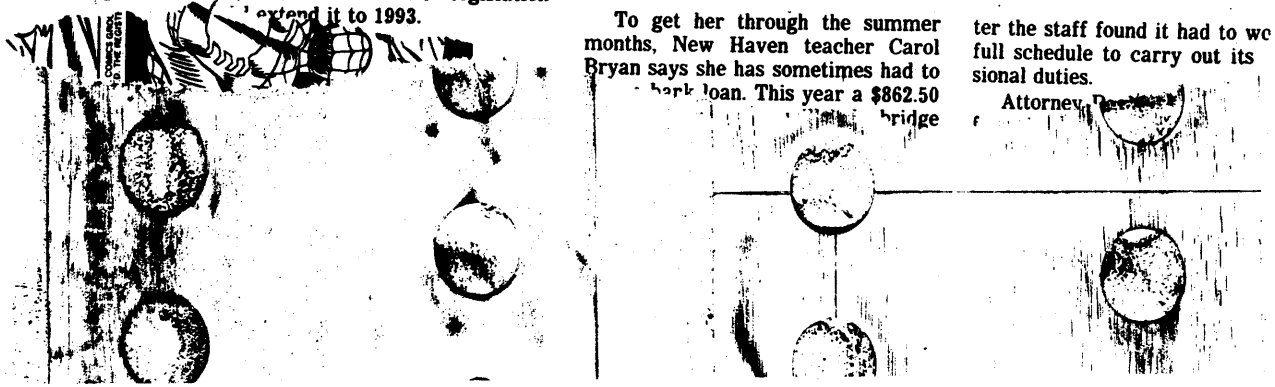
- Continue in-use testing of motor vehicles in regions that fail to attain the carbon monoxide and ozone standards, while the administration-backed bill would repeal provisions covering such tests.

- Would retain "pro-consumer certification requirements for cars, while the other bill would repeal them.

14 city teachers awarded back pay

To get her through the summer months, New Haven teacher Carol Bryan says she has sometimes had to [illegible] bank loan. This year a $862.50 [illegible] bridge [illegible] ter the staff found it had to wo[illegible] full schedule to carry out its [illegible] sional duties.

Attorney [illegible]



North Haven Conservation Commission

NORMAN A. GREIST, Chairman

North Haven, Connecticut 06473

204

October 12, 1976

Mr. Henry Beal
Air Compliance Unit
Department of Environmental Protection
Hartford, Connecticut

Dear Mr. Beal:

The Air Compliance Unit of the State Department of Environmental Protection has granted an Indirect Source Permit for North Haven Mall Shopping Center in North Haven, Conn. (Application #5A76.) The North Haven Conservation Commission requests that a public hearing be held pursuant to state regulations 19-508-100j3.

While we appreciate the time and effort put into the September 28 informal public information meeting, we find that there are additional questions which deserve answering.

1. The Commission questions the validity of the model.

   A. We request that the DEP monitor the CO concentration to determine if the current ambient air concentrations are equal to zero as assumed. There is not enough material provided in thepreliminary evaluation to determine whether or not your approach to the model is valid. If concentrations are at zero, prove it.

      Where did the model come from? How was it derived? What scientific or professional journal contains a write up which would validate your model?

   B. Apparently only part of the intersection is considered when CO concentrations are calculated. We request that the rest of the intersection be monitored. The model fails to adequately demonstrate that the remainder of the intersection can be ignored.

   C. Why were the readings based on a distance of 35 feet or 30 meters from the source? Why were they not taken at the road or on an adjacent sidewalk?

2. Is the percentage figure of source traffic determined by considering existing traffic levels in the specific community? The requirement of 25% source generated traffic seems to be too high for North Haven.

3. Concentrations of 3 ppm at three intersections come too close to health standards thus not allowing for a margin of error or a safety factor.

4. There should be an analysis of the CO level at the intersection of Washington Avenue and Clintonville Road (Rt. 5 and Rt. 22). This intersection is heavily used at the present time, and it should be monitored, because even the additional 6% of source traffic (as estimated by the applicant) could easily raise the CO level above the National Ambient Air Quality Standard.

5. We question the validity of the applicant's figures in regard to the estimated amount of mall traffic generated from the east.

6. The intersection at Green Hill Road and Bishop St. (Rt. 22) was also omitted. This, too, should be monitored.

7. While it is recognized that the Indirect Source Program deals only with carbon monoxide levels, it is important to note that there are other sources of pollution which, taken in their entirety, give a much more accurate picture of the total amount of air pollution. The health hazard presented by photochemical oxidants, the New Haven incinerator, asbestos fibers, hydrocarbons, ozone in addition to the CO levels in the neighboring area (not monitored) offers a more accurate picture of the problem of air pollution than the narrow investigation of carbon monoxide levels.

   Is the health of the residents of North Haven to suffer the effects of air pollution simply because the department finds the levels of CO to be "safe"?

8. In a previous application, the applicant was denied an Indirect Source Permit because of seven violations of the eight hour ambient air standard.

   Changes were made in the traffic plans, requiring substantial road building in order to establish free flowing lanes to enable traffic to move more rapidly and thus reduce CO levels. These additional roads will in part be funded by the State of Connecticut. What assurances do we have that State money will be available for that purpose? What assurances do we have that the Town of North Haven will spend money for that purpose? In the year during which the mall may be opened and the roads are to built, how many violations of the air standard will we have to accept and how will the health of the residents be affected?

Although some of the questions in the above paragraph pertain in part to the Department of Transportation rather than the Department of Environmental Protection, they are included because the reason for the granting of the permit was based on the construction of the additional and expanded roads.

We strongly urge that you grant a public hearing on this permit #5A76. There has been insufficient information provided to the people of North Haven. The report available from the Air Compliance Unit was very technical for the average citizen and there was a limited number of copies (one) sent to North Haven. The announcement of the informational meeting of September 28 appeared only the day before, September 27, in a newspaper with a broad circulation, thus the citizens were not notified well in advance and they did not have adequate time to prepare their questions. Those who could make special arrangements to attend found there was not enough time alotted at the meeting to ask all of their questions.

Sincerely,

Norma W. Tiefenbrunn

Norma W. Tiefenbrunn
Vice Chairman

cc: Walter J. Gawrych
Norman A. Greist, Chairman
Ella Grasso
Robert Giaimo
John McManus
David Dodes
Bernard Diana
Paul Abercrombie
Lawrence DeNardis
Louis Siclari
John Pucciano

to Rob Adler
Corps of Engineers
re: North Haven Mall

from. Betty McPhedran
21 Central Ave.
North Haven Ct. 06473

207

(6)

In the actual filling of the wetlands, whether They be Army corps controlled or not, I want the Corps to consider the precedent being set for other lands upstream and downstream if you allow these lands to be filled. Your decision if it should go towards allowin filling will be cited on every other case. You may note how little lands along the Quinnipia River are built up, how necessary the flood plain is. On your decision rests ultimately the cumulative effects of filling throughout our riverfront lands. Please answer whether you can allow filling on these grounds and whethe you have a responsibility to the future filling of North Haven flood plains + wetlands, in you final EIS.

to Rob Adler
Army Corps
re EIS on North Haven Mall

from Kitty McPhedran
21 Central Ave.
North Haven Ct. 06473
2/28/82

208
7

There is no mention in the draft EIS of of the stagnant, moist air in the valley of the Quinnipiac River. Please get information on how many air-quality alert days there were in our area last year and the year before, when air quality fell beneath the national standards. I feel the Army Corps should seek out the significance of this in independent research and rewrite the air quality sections of the EIS.

to Bob Adler
Army Corps
re. EIS on North Haven Mall

from Betty McPhedran 204

McPhedran
21 Central Ave.
North Haven Ct. 06473

(8)

2/23/82

EIS Section IV p. 17

No loss in domestic water pressure is indicated. Will there be a loss in industrial water pressure?

EIS Section IV p. 1

(9)

If nearly 14,000 truck loads of fill will be needed, the Army Corps should surely investigate which parcels of local land will be eliminated because of the taking of fill. In your final draft will you please identify which sites will be used to dig the fill and how much will be taken from each site.

Please also calculate the effect on neighborhoods where the fill removal sites are located. The Army Corps might like to visit the intersection of Patton and Rimmon Roads to see what has happened to an attractive wooded hillside in a neighborhood when it was excavated. We care about the aesthetics of fill removal throughout our area.

The Draft EIS does not speak about the disruption to daily life on all the streets the trucks will travel on with the fill going to the site. Children cannot play as safely where no sidewalks adjoin the streets, children cannot cross streets as easily when a fleet of trucks goes by day after day. Please comment on this in the final document.

(over)

I asked this question in a letter to Rob Adler 210
1/19/81 and want to know why this information
was ignored in the draft EIS,

To Rod Adler
Army Corps
re: North Haven Mall EIS

From Betty McPhedran 211

McPhedran
21 [illegible] Ave.
North Haven Ct. 06473

(10)

Draft EIS Figure 15

2/22/82

The pictures give a view of a site with no problems. The Army Corps has been well supplied with photos showing the flooding on the site. Please include in the final EIS a picture showing what site is like during flood-time I submitted after January 1979 pictures of that flood. Please choose one and include it.

I particularly want you to look again at the picture I submitted of the Route 22 jughandle site during flood time. And please look at the picture of the West side of Valley Service Road and the picture of the Di chello farm, all from January 1979

No where in the Draft EIS can I find a place you speak to the fill needed for roadwork (especially jughandle + Valley Service Rd) nor the effect of that road fill on floodplain. Please redo the calculations to include this area.

to Rob Adler
Army Corps of Engineers
re: North Haven Mall.

From Betty McPhedran
21 Central Ave.
North Haven Ct. 06473

212

(11)

I want very much for the Army Corps to explain in the final ~~draft~~ EIS why they must address the need for retail service at all. Why not address what is best for our region? Why not address what is best for North Haven? The permit application has led you to write an environmental impact statement. It seems absurd that the need for retail service needs to be justified at all in your EIS. Please rethink this whole issue and think what point of view you at the Army Corps would really like to take in your EIS. You do not have to take a point of view a developers consultant has pressed on you.

to Rob Adler
Army Corps of Engineers
3/7/82
re. North Haven Mall

From

McPhedran
21 [illegible] Ave.
North [illegible] 06473
3/7/82

213

(12

Is there a need for a change in the encroachment lines? Please note the FEMA Flood Insurance Maps that show the flood on the Mall site extending far beyond the encroachment lines to cover the site.

To Rob Adler
Army Corps of Engineers
cc: North Haven Mall

From McPhedran
21 [illegible] Ave.
North [illegible] 06473

214

(13)

3/7/82

There was no reference in the Draft EIS to the cards sent by merchants opposing the North Haven Mall. As the economic effect on current merchants is crucial to each one of them, I hope you will take note of their opposition in the Final EIS.

to Bob Adler
Army Corps of Engineers
re: North Haven mall

from McPhedran
21 Carroll Ave.
North Haven Ct. 06473

15
215

Please take note that New Haven has long felt opposition to the North Haven mall. Please comment on the mayors arguments in your final EIS.

Please comment on the mayor's arguments in your final EIS, 314

OFFICE OF THE MAYOR

FRANK LOGUE
MAYOR

CITY OF NEW HAVEN
CONNECTICUT 06508

March 8, 1979

SHOPPING MALLS: SUBURBAN OR DOWNTOWN
REMARKS OF MAYOR FRANK LOGUE
TO THE REGIONAL PLANNING AGENCY OF
SOUTH CENTRAL CONNECTICUT

Thank you for the opportunity to meet with you to discuss the issue of proposed major shopping facilities in suburban locations. I am particularly grateful for your kindness in rescheduling this meeting so that I would be able to attend.

The Regional Planning Agency exists because of a recognition by New Haven and the surrounding communities and indeed by the State, that there are a number of interests which vitally affect groups of contiguous communities throughout the State. I have some familiarity with your role because, many years ago, I represented the suburban community of Trumbull, serving as a member of the Greater Bridgeport Regional Planning Agency. The obligation of the regional planning agencies is to view the impact of proposed actions on the entire region in which they take place -- and I intend to address myself to that.

First, I want to cite briefly the interest of the City of New Haven in the well being of the region as exemplified in a variety of contexts. Second, I want to set the framework of federal and state policy with regard to encouraging investment in central cities as distinct from suburban areas. Third, I want to cite the effects of constructing the proposed 1,200,000 square foot retail shopping mall in North Haven.

New Haven and the Region

The City of New Haven has pioneered in a variety of efforts to deal on a regional basis with problems which transcend municipal boundaries. The first example that comes to mind is New Haven's role in advocating, and aiding in the implementation of, the Regional Planning Agency.

In the area of fire protection, New Haven has conducted a regional fire training program since 1945. Nearly all of the surrounding towns require graduation from our facility as a condition of employment as a firefighter. We are now engaged in constructing a new training facility which will continue to train firefighters in the region without any contribution by their communities either to the capital cost of the building or the cost of conducting the training program.

Our police academy provides recruit training and in-service training to other police departments at no cost. We also make available the services of our crime laboratory, bomb squad and police boat. The region now benefits from a great variety of programs begun in the New Haven Police Department, including the single computer system for the region, the directed deterrent patrol program, the crime prevention unit, victims' services unit and many others. We also work together in the South Central Connecticut Criminal Justice Supervisory Board.

The list of cooperative efforts between New Haven and the surrounding communities is a long one. It includes sewage treatment facilities, solid waste disposal programs and the transportation problems we work together on in the New Haven Transit District. We have a long track record of making available to the communities in the region our knowledge, our experience, our facilities and, in very measurable ways, the tax dollars that support these activities.

Federal and State Policy on investment in Central Cities

I believe that the Regional Planning Agency needs to view the various forthcoming proposals for suburban shopping centers in terms of their impacts on the entire region. I call to your attention policy initiatives taken one year ago by both the federal government and the state government, calling for the economic revitalization of central cities in providing incentives for private investment in central cities.

In announcing the first urban policy for the nation on March 27, 1978, President Carter called for a partnership among all levels of government, the private sector, neighborhood and volunteer organizations and individual citizens to work together to conserve America's urban communities. He stated that all existing and proposed federal actions would be evaluated in terms of their impact on central cities. Under a proposed amendment to the federal A-95 regional review process, your agency is encouraged to evaluate the urban impacts of specific federal funding requests. This reflects the nation's growing concern for the economic health of our urban areas.

On March 23, 1978, Governor Ella Grasso issued Executive Order No. 20 stating that a priority goal of the State of Connecticut is to "revitalize the economic base of our urban areas, by rebuilding older commercial and industrial areas and encouraging new enterprises to locate in central cities".

Two important state reports have recently been issued that have a bearing on state policy toward urban centers. I am referring to the Urban Action Task Force report and the Conservation and Development Policies Plan 1979-82. Together with Executive Order No. 20, they clearly articulate a strong state policy that advocates the economic revitalization of the state's urban areas

and the coordination of growth, so that it is balanced, complements existing development, and is environmentally appropriate.

The construction of any of the proposed regional shopping malls in outlying areas of the New Haven Metropolitan region is in directly conflict with both the policy of the State of Connecticut and the policy of the United States government. The construction of any of these developments will have the following effects:

1. Undermining the region's economic base;
2. Accelerating urban sprawl;
3. Downgrading the region's air quality;
4. Downgrading the region's water quality;
5. Impairing the effectiveness of mass transit in the area;
6. Imposing exceptionally and unnecessarily high energy costs;
7. Making New Haven and possibly other cities in the region increasingly dependent on state and federal funds to support city services.

The North Haven Shopping Mall

I propose to demonstrate the above effects will follow in the case of the proposed North Haven Shopping Mall.

First a word about the scale of the proposed development in North Haven -- 1,200,000 square feet of retail space. It is one and one half times the size of the Connecticut Post Shopping Center in Milford. It is four times the size of the three story Macy store

in downtown New Haven. The total land area is roughly equivalent to the nine squares of downtown New Haven, less that part occupied by Yale University.

1. Undermining the Region's Economic Base

The population growth in this part of Connecticut has slowed and with it the increases of retail sales that the population of the region can support. The addition of a massive new retail sale space in a remote location will adversely affect retail space in other locations, including the Post Road in Milford and Orange, Dixwell Avenue in Hamden, possibly Washington Avenue in North Haven and Downtown New Haven.

Adding one million two thousand square feet of retail space in this region will have a damaging economic impact on all retail shopping centers of any size within the region. It has been estimated that expenditures for shoppers' goods in 1980 will be about $448 million. The proposed facility will be expected to attract (at 120 to 150 dollars in annual sales per square foot) $150 to $200 million dollars in annual sales. This amounts to more than one-third of the projected retail sales for the entire region.

2. Accelerating Urban Sprawl

The location of this mammoth facility in an outlying area such as North Haven would place an enormous development pressure on remaining watershed lands, farm lands, and open space in North Haven. It will become a satelite center, influencing

residential and commercial locational decisions in a way detrimental to all of the remaining towns in the region.

One of the great lessons of the last thirty years is that urban sprawl is wasteful in every conceivable direction. Wasteful of wetlands and farm lands, wasteful of energy resources, wasteful in cost of providing the needed infrastructure (sewers, utility lines and the like) when in already developed areas of the region, the entire infrastructure is in place. It must be added that many people living in North Haven are not anxious to see the vast open area of the town converted to commercial uses and acres and acres of parking lots.

3. Downgrading the Regions Air Quality

Congressman Toby Moffett Chairman of the Subcommittee on the Environment, Energy and Natural Resources of the House Government Operations Committee, states that the major cause of pollution in the State of Connecticut is not, alas, polluted air blown here from New York and New Jersey, but exhaust from automobiles driven in the State of Connecticut. This proposed shopping mall will concentrate automobile pollution in the Town of North Haven in a way that that community has never experienced. One shopper in a hundred might arrive at the proposed shopping mall on foot, on a bicycle; the remaining 99% would come by private car. In the 1980's, it makes no sense to construct a massive shopping center in an area

that cannot be reached except by automobile. We did that in the fifties, sixties, and seventies before we knew all that we now know about pollution; there is no excuse for doing it in the 1980's. I might add that the heating plant required for the mall will itself be a primary source of air pollution.

4. Downgrading the Region's Water Quality

Some progress is being made, at enormous expense, in cleaning up the Quinnipiac River. The acres of parking lots and access roads associated with a mall of this type generate enormous quantities of water pollutants, which will be transported to our rivers by increased storm water runoff. There will be increased sedimentation as a result of the major filling proposed during construction. The net effect will lead to further degrade the water of the Quinnipiac River.

There has been substantial federal, state and local investment in cleaning up the Quinnipiac River and the New Haven Harbor. It is counter productive to add a massive new pollution source upstream at the same time that efforts are being made to clean the river downstream.

Furthermore, the filling of acres of wetlands and the resulting in natural filtration capacity caused by extensive paving and building construction on the Quinnipiac River flood plain will aggravate flooding problems.

5. Impairing the Effectiveness of Mass Transit

Surely in 1979, when we are paying seventy-five cents a gallon for gas there is every reason to evaluate retail shopping centers in terms of their accessibility to mass transit. To look ahead, I think that it is a safe, if sad, assumption that the retail price of gasoline will be a dollar a gallon, or more, prior to the time that this facility could be completed. Can we seriously contemplate locating the region's largest shopping center where there is no mass transit -- where everyone must arrive by auto, at a dollar per gallon. Clearly major new shopping facilities must be in a location which can be reached by persons who are not traveling in automobiles. The issue of the North Haven Mall will demonstrate whether this region has any commitment whatsoever to mass transit.

6. Energy Costs

It would be a vast waste of energy to fill and pave over acres and acres of land, and to build extensive sewer, water, electric, and gas utility lines and all of the other elements of the infrastructure in a marshland in North Haven, when all of these elements are in place in a central city such as New Haven. There are no bus routes to the proposed location and every trip to the mall would require the consumption of fossil fuel by private automobile. The construction of shopping facilities in the downtown area can be accomplished at a vast saving of energy in the construction phase and at a continued

vast annual saving of energy by enabling people to reach the shopping facility by mass transit.

7. Central City Dependence

Finally, there is the question of the economic dependence of central cities. It costs more to govern a city than it does to govern a town. It costs more to educate children who are on welfare than children in middle class families. Because of concentrations of poor people, cities spend more for health services than towns do, more for welfare services, police services, fire services, sanitation services and many others. This is the over burden that central cities must meet.

Providing a given level of governmental services costs 6 to 10% more each year because of increases in wages, supplies and, especially, utility bills.

These inflationary forces more than offset tough management policies. We recapture every dollar not spent by municipal departments at the end of each quarter. Whenever a city position becomes vacant, we freeze it, and the position can not be filled without special permission. Our income from investments has increased from $1 to $2.5 million per year in the past three years. Our income from back tax collections has gone up from $800,000 to $2,000,000 per year in the same period.

That leaves us four choices.

A. Raise local property taxes. They are now at 82 mills (down from 86.6) and no one wants to see them go up again.

B. Seek more state aid. We do that every year, with some success, but the news is, don't expect more this year.

C. Seek more federal aid. We do this every year, also with some success, but the message from the President and the Congress is: "forget it".

D. Increase the city's list of taxable property.

I prefer alternative D. I don't like to go pleading to the state and federal governments each year, and I do not want to raise local property taxes. I want to attract industry and business -- including retail business -- to New Haven.

In the long run, we may slow down inflation in this country, although in my judgment that will not happen without price controls. In the short run, and possibly the long run, the cost of operating local government will increase significantly every year. That increased cost can be met wholly by increased public investment -- at the federal, state and local levels -- or by a combination of public and private investment.

If the proposed shopping mall is built in North Haven (which has a tax rate of 46.5 mills) North Haven will experience an increase

in private investment and a decrease in public investment - lower taxes. New Haven, Hamden and perhaps other communities will experience a decrease in private investment and an increase in public investment -- higher taxes.

We want to pay our fair share in New Haven. We encourage the private sector to invest in downtown New Haven. This shopping mall would encourage disinvestment in New Haven and in other communities. If we cannot keep our business taxpayers and attract new ones, someone is going to have to pay the bill.

I urge the Regional Planning Agency to take a position opposing the development and construction of major shopping facilities at outlying locations -- including the proposed North Haven Shopping Mall.

to Rob Adler
Army Corps of Engineers
re North Haven Mall

From Betty McPhedran
McPhedran
21 [illegible] Ave.
North [illegible] 06473
3/10/82

(17)

228

Please research the impact of catalog buying in Connecticut on the Mall's success. Take the time and do not simply send this question back to the developer's consultants to research it. Get all the specific information you need to respond in the final EIS.

to Rob Adler
Army Corps of Engineers
re North Haven Mall

From

McPhedran
21 Central Ave.
North Haven Ct. 06473 229

(18)

3/10/82

The mall traffic air impact has been written with the assumption of higher standards coming from the Federal government in the future. The Federal air quality standards are now being relaxed and the standards expected in 1984 in the Draft EI are not the actual standards of 1984. Please revise the Final EIS based on currently realistic standards for 1984.

To Rob Adler

From Letty McPhedran
McPhedran
21 Central Ave.
New Haven Ct. 06473
3/10/82

(19)
230

Please include in your traffic calculations and air quality calculations for the final EIS, the traffic + exhaust expected from the new exhau ~~testing~~ facility on Broadway, recently approved by the North Haven Planning and Zoning. Take special note in the final EIS that the cars coming to this facility are mostly the ones whose exhaust systems emit the most fumes and the highest levels of pollution

To Rob Adler
Army Corps of Engineers
re: North Haven Mall

from McPhedran
21 Central Ave.
North Haven Ct. 06473
3/12/82

20

231

Of particular concern to North Haven Residents who flood already severely, is the fill not only for the Mall site, but for widening the Valley Service Rd and building the jughandle. Here are some sample pictures (of many I have) showing how these lands are used for flood storage. Make sure all your calculations adequately account for the fill to widen the road to 4 or 5 lines and to make a two lane jughandle out over the flood plain

Attached: 3 photos

to Rob Adler
Army Corps
re: North Haven Mall Draft EIS

from McPhedran
21 [illegible] Ave.
North Haven Ct. 06473

3/22/82

Please include these questions with the others submitted 3/18/82 to be answered in the Final EIS.

to Rob Adler
Army Corps
re North Haven Mall EIS Draft

from Methodrum
21 [illegible] Ave.
North [illegible] 06473

23

(21)

3/17/82

If the New Haven city consultants present ~~statistics~~ That clearly alters the Gladstone figures we hope the Army Corps will realize The traffic methodology will change considerably. We will Then expect you To redo all The traffic figures

To Rob Adler
Army Corps
re: North Haven mall EIS Draft

from McPhedran
21 [illegible] Ave.
North [illegible] 06473

234

(22)

3/17/82

The traffic is a concern to every citizen who lives on local Through streets. The citizens from Durham, North Branford, Branford and East Haven will not come on I91 or the Wilbur Cross to the mall. If the mall is built additional traffic, noise and air pollution will effect Cloudland, Arrowdale, Beach, Warner, Rimmon, Patten, Mill, Clintonville Lane, Spring Road, Laydon, Maple, Pool, Temple, Bassett, Blakeslee: many more local streets That the Draft EIS considers. The cars from Cheshire, Bethany, Hamden will seek out alternate routes to avoid crowded streets and add a tremendous percentage increase to Ives, Mansfield, Kings Highway, Outer Ridge, Blue Hills. There is no expressway service from East or West of our town. Please note That both major turnpikes go North + South — it is outrageous That you at the Army Corps blindly accept developers projections against all logic.

to Rob Adler
Army Corps
re: North Haven Mall

from McPhedran
21 [illegible] Ave.
North Haven Ct. 06473

235

23

3/18/82

We have learned that HUD sent the developers reports out to a consulting firm: Real Estate Research Corp., Chicago, Illinois. This firm had strong critical comments on the Gladstone Report. What has the ACE done to include these comments? Please name the firm and include its findings + criticism in the Final EIS.

To Rob Adler
Army Corps
re: North Haven Mall

from

McPhedran
21 Central Ave.
North Haven Ct. 06473

236

(24)

3/17/82

I request that you get the March 1980 FEMA Flood ~~Study~~ Insurance Study Text ~~[illegible]~~ from

Kevin M. Merli
FEMA
J.W. McCormack P.O. + C.H.
Boston, MA 02109

Please notice Figure 8 and Figure 9, figure 6 + Figure 7 which show floods going over roadbed level. Although this areas are away from mall site, I point them out to show the Army Corps how sensitive North Haveners are likely to be to even more flooding. Hundreds of us experience flooding because of the overflows from our local rivers or because of the very high water table not able to absorb more rain. Figure 2 is the one really significant for the mall site. Can North Haven afford to close Sachett Point Rd so often? Please state in Final EIS how many 100 year floods in past century in North Haven.

to Rob Adler
Army Corps
re: North Haven Mall

McPhedran
21 [illegible] Ave.
North Haven Ct. 06473

237

(25)

3/18/82

In the hearing 3/17/82 Arnold Fleming, a developers' consultant said that on p. 8 his firm wrote up the worse case situation where all of the floodplain was filled to the encroachment line. Well, the point I made in an earlier question, about the 15 Stream Channel Encroachment Actions + Permits in North Haven and the 12 permits, 5 illegal fills + 1 enforcement action in Wallingford (Table 1 of the Quinnipiac River Corridor Action Plan of Regional Planning Agency SSC) was that there is plenty of filling riverward of the encroachment line. These permits are for filling within the encroachment area. Where is that spoken to in the flood measurements and where is the projection for future riverward fills if so many have been allowed so far?

Please listen to, or read the North Haven citizens' comments and exhibits on the North Haven mall from the Planning and Zoning hearing in North Haven, June 17, 1980. At every local and state hearing, citizens state their opposition, and having spoken once or twice, or written a letter to a local board or DOT or DEP, they feel they've done the citizens job, but the Army Corps has never heard from them. It is unrealistic to think citizens see the necessity of speaking + writing again and again. So we ask the Army Corps to seek out all previous citizen comment including comment at the hearings listed on the next page at the end ~~to the~~ in order to hear from the citizens who are only able to speak out once or twice.

1. How will mall traffic effect Clintonville Road between Pool Road and Washington Avenue? According to town statistics, this is the most dangerous section of roadway in town for congestion and pollutants, and no road improvements have been scheduled here at all.

2. Who are Mall Properties Inc. and the North Haven Associates' investors, stockholders and trustees? Are there any conflicts with current or former area politicians and public officials?

3. Since ConnDOT claims the 4 lane widening of Bishop is not mall related, exactly what improvements will be needed on Bishop, and how will these impact on historic properties, and this unique portion of the Bridge district? Will it involve taking private property and thereby constitute harm to an existing neighborhood?

4. Assess the financial loss to the town were the mall to fail. Consider that the same land might have been developed with industry instead.

5. Has the developer guaranteed to sell space in the 100 small enclosed shops or are we risking that they will remain empty, as happened in Stamford?

6. Evaluate the economic, sociological, aesthetic and environmental impacts of strip development that will follow the urban traffic volumes generated by the mall. Is this preferable to the more sedate secondary development that would accompany an industrial park?

7. Assess the long-range hidden costs of urban traffic, crime, and living conditions that will result from the mall BEFORE the mall produces tax revenue to offset/not offset same. The urban sprawl and secondary development must be included as a cost factor.

8. The Corps should review all the public statements involving the mall, its transportation scheme and links to Bishop Street, to be found in transcripts of the following public hearings:

    1. State Traffic Commission, October 2, 1979, re: mall traffic safety permit.
    2. Conn. Dept. of Transportation, March 18, 1980, re: widening of Bishop Street.
    3. Conn. Dept. of Transportation, February 5, 1981, re: widening of Bishop Street.

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March 22, 1982

Robert Adler
New England Division, U.S. Army Corps of Engineers
424 Trapelo Road
Waltham, Massachusetts 02254

Re: Proposed North Haven, CT Shopping Mall (NEDPL-IP)
Comments on Draft EIS and 404 Review

Dear Mr. Adler:

Enclosed are questions about malls that North Haven citizens have raised during the last month. The impacts of these malls reflect what might happen in our area if the North Haven Mall is built. Citizens here feel the Army Corps itself should do case studies which include the questions raised here. Please answer every attached comment here in the Final EIS.

In addition, please list all other Mall Properties malls and provide a survey performance of other malls constructed by Mall Properties Inc. In particular, compare the expected and the actual environmental, economic, and sociological effects. Shouldn't the Army Corps visit all the Mall Properties malls at least to see if they thrive? We request you to visit any Mall Properties malls that are 20 years old to evaluate what the committment to the nearest town is. (E.g., Do they pick up the trash? Do they patrol the property adequately? Has there been any mall-related environmental problems such as flooding or erosion? If so, has the mall developer responded to rectify the problem?) Please include your findings in the final EIS.

Thank you for your consideration.

Sincerely,

Letty McPhedran

Letty McPhedran
21 Central Avenue
North Haven, CT 06473

Questions on Shopping Malls
Proposed North Haven, CT Shopping Mall (NEDPL-IP)

1. West Farms Mall, West Hartford and Farmington, CT
In a door-to-door survey of 45 homes near West Farms Mall, residents noted that there was considerable crime both in their neighborhoods and in the mall itself. What exactly are the crime statistics for the West Farms Mall itself? What are the crime statistics in the area of secondary building near the mall?

2. Meriden Hub, Meriden, CT
Attached is a contact sheet of photos showing boarded up stores in the Meriden Hub. We request that the Army Corps note in the in the final EIS that existing malls in our area already do not thrive. Please visit the Meriden Hub and see for yourself. If existing area malls are already closing, how can a need for additional retail shopping be postulated in the draft EIS?

3. Meriden Square, Meriden, CT
We have learned that few of the stores other than the anchor stores in the Meriden Square Mall have joined the local Chamber of Commerce. We request that the lack of interest of Mall stores in local Chambers and local concerns be reflected in the final EIS. Please address the potential impacts of this lack of concern in the final EIS.

4. Ingleside Mall, Holyoke, MA
What was the economic impact of the mall on downtown Holyoke? What engineering problems did the mall developers have? What soil and fill was the mall built on? Did the parking lot sink and did gas mains under it leak? Were any of these problems predicted by the mall developer?

5. Mall near Norwich, CT
When the Yantic River flooded, the mall had to close. Please investigate what kind of danger there was to customers, what damage there was to goods, and how long it took for the mall shops to recover (if they did) and reopen. Was this flodding predicted by the mall developer?

6. Naugatuck Mall, Waterbury, CT
Please visit the mall site and examine the secondary building. Please look at the acreage the fringe area covers and compare this to the area the mall covers. Consider what portion of North Haven land will be covered by secondary building of proportional magnitude. What will be environmental and economic impacts of such secondary building?

7. Rochester Mall, Rochester, NY
City Manager Elijah Freedman started a campaign against the Mall. We request that the Army Corps contact him and find out what kind of data he has accumulated showing negative impact of the mall on the city. Also find out what stage the development is in now. Has the Mall already been built and has damage to the city already been demonstrated?

8. Burlington Mall (Pyramid Mall), Williston, VT
We understand that 4 or more economic studies were done to provide evidence

and projections that the mall near Burlington would do damage to the city. We feel that the Gladstone report does not constitute adequate economic data on which to base your final impact decision. We request that the Army Corps consider commissioning more than one economic study as input to the final EIS.

9. Smithhaven Mall near Port Jefferson, NY
Please investigate the effects of the Smithhaven Mall on previously established malls in the greater Port Jefferson area. Malls nearby on Route 347 have closed since the opening of the Smithhaven Mall. How many of these closings are attributable to the economic climate resulting from the Smithhaven Mall?

10. Whitehall Mall and Lehigh Mall, Whitehall, PA
Keyes engineered the Whitehall Mall. Residents surrounding the mall have had numerous problems with lighting from the mall, loitering, trash, and property damage. We feel these problems constitute significant degredations in the quality of life for area residents. We request that the Army Corps visit these malls and investigate their impact on surrounding residents. Might we expect the same problems in North Haven if the mall is built?

11. Millcreek Mall, Erie PA
The Millcreek Mall is about 6 miles from downtown Erie. It consists of 90 stores and 5 anchor stores. Since it has been built, many stores in downtown Erie (specifically The Boston Store, Trasks, Carlisle's, and many small downtown shops and boutiques) have closed or are planning to close. Please visit Erie and examine the economic impacts of the Mill Creek Mall on downtown Erie. Since the size of this mall and distance from the local downtown area are comparable to the relationship between the North Haven Mall and downtown New Haven, couldn't similar effects be expected here?

12. Paramus Park Mall, Paramus, NJ
Please examine the environmental problems related to this mall. It was built on a swamp, and we understand that it is sinking. As the proposed North Haven mall is to be built on similar ground, we request the Army Corp to investigate the environmental impacts of the Paramus Park Mall and address whether similar effects might be expected at the North Haven Mall.

13. Cortana Mall, Baton Rouge, Louisiana
This is a Mall Properties Mall. There was considerable citizen opposition to this mall. It resulted in the economic drain of downtown Baton Rouge. Please examine the effects of this mall on downtown Baton Rouge. Please report on these effects in the final EIS and address whether similar economic effects might be expected in downtown New Haven. Please compare what Mall Properties predicted the economic effects to be versus what actually took place and address whether similar discrepencies might be expected here.

14. Mission Valley Mall, near San Diego, CA
The entire valley was filled with stores, including the May Co. and I. Magnim. Within the past ten years there was a very big flood which destroyed all the goods in the stores, the parking areas, lights, etc. People died there during the flood. Fred and Joan Anderson of San Diego

canoed over the May Co. Please include a case study of this area in the final EIS.

15. The Hermantown Mall, Duluth, Minnesota
Under the Carter administration, federal government intervention may have prevented this mall from being built through ACE or Federal Highway mandates protecting inner cities. Please investigate if this is true.

16. South Charleston Mall, Charleston, West Virginia
Was or is the Army Coprs preventing this mall from being built?
(Reference: Neal Peirce, Shopping Centers Inventor Disowns His Progeny, Parking Magazine ,January 1979,p31-44.)

17. South Shore Plaza, Braintree and Quincy, MA
Mall Properties mall in Albany, NY
Chicopee Mall, Springfield, MA
Southside Passwell, Buffalo, NY
Mountain Farms Mall and another, a Pyramid Mall, North Hadley, MA
North Shore Plaza or Mall, Peabody, MA
These are additional malls for which citizens have raised questions or concerns about their environmental, sociological, or economic impact. Are any of the above listed malls similar in environmental, sociological, or economic circumstances to the proposed North Haven Mall? Are any of similar size and distance from a city the size of New Haven? Are any built on similar sites? If so, we request that the Army include a case study of the impacts of these malls.

New Haven Register Thurs. 3/18/82

'NO IMPACT' EXPECTED

Officials play down effect of mall

By DAVID BRIGGS
Staff Reporter

Will the proposed North Haven mall hurt retail trade in Meriden?

Probably not, city officials say.

City Manager Dana Miller said Wednesday "I don't feel (the mall) would have an impact at all on people here."

MERIDEN

The proposed 1 million-square-foot mall has come under heavy fire from New Haven officials who contend it would pull shoppers away from that city's downtown shopping areas and severely damage retail trade as well as endanger future New Haven downtown development.

The U.S. Army Corps of Engineers held hearings Tuesday and Wednesday on a proposal to allow Mall Properties Inc. to fill 25 acres of wetlands on the 117.5 acre site in North Haven. The corps permit is a requirement before construction can begin.

In a letter to the corps, Miller said "the city of Meriden would have no objections to the issuance of this permit."

Chamber of Commerce Executive Director Sanford S. Shorr said his agency has not taken a position on the mall because "we have gotten no indication from any merchants that they would be upset by it."

Councilman Abraham Grossman, however, said "I'm opposed to it and in sympathy with the people there who are seeing the results of those malls in the outskirts."

Although Meriden is included in the potential trade area of the proposed mall, most city officials did not think it would have a substantial impact on local retail stores.

Saying people are unlikely to travel far to shop, Miller said, "I don't think there are many shopping dollars that are going to be diverted."

In his letter, the city manager also said the proposed mall "would enhance retail opportunities for shoppers within the Meriden area and would provide additional jobs, not only initially during the construction phase but ultimately in operating and maintaining the mall."

Shorr said downtown merchants "probably" think none of the stores planned for the proposed mall could hurt them. Shorr said he suspects merchants in the Meriden Square think "they could handle themselves."

He also noted two of the local chamber's largest members — G. Fox & Co. and the J.C. Penney Co. — may have stores in the proposed mall.

Mayor Matthew Dominello said because the proposed mall site is in another community 10 or 15 miles from the city, "for me to come out strongly either way wouldn't be fair."

Grossman said he is opposed to the proposed mall because the city had a "concrete example" of the effect malls can have in Meriden Square. "Meriden downtown died with the square," he said.

Please take note of this in the Final EIS.

FLOODING

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Memorandum of March 10, 1982

[redacted]

RE: ACE DEIS Quinnipiac River flood study for the proposed North Haven Mall.

The DEIS comments on flooding appear deficient in focus and criteria. In their tendency to treat the mall as an isolated landfill event, they eliminate the impact of cumulative flood plain development to follow a mall. The study may well be based upon obsolete data.

1. The conclusions of the developer's consultants as well as the FIA study are based upon potentially inaccurate encroachment lines. The line used is identicle to that used by the state. Existing DEP lines were drawn prior to collapse of the Wallingford Dam, which has greatly altered flood storage conditions, and the town's breech of the berm at the mall site. The current line runs parallel to this berm, and hydrologists at the USGS have stated at various times that were the berm broken, the line would likely be moved alongside the access road. The DEP has said revisions are in order. In addition, the Quinnipiac in North Haven has experienced nearly two 100 year floods since 1979. This flood scale should be upgraded to account for this higher frequency and changes in the flood plain.
2. The developer's study is negligent. The DEIS map of flood prone properties on page III-9 omits flooded areas on Upper State, and fails to indicate conditions on the Wilbur Cross Pkwy. in 1979, and at the state park on Banton Street, opposite the mall site. The impact of filling the flood plain to construct a mall-related jughandle off the Rt. 22 connector has been ignored. This construction would occur opposite the most severely flooded residential area along the river - roughly 600 feet north of the constriction at Broadway. The ACE has in its possession photos documenting the site of the jughandle as completely indunated at flood stage. Engineering plans for the jughandle should be submitted in detail before the Corps can conclude what impacts to the flood plain will be.
3. The collapse of the Dam is pointed to as the culprit for existing problems but there are other historical trends which have contributed too. Water storage has slowly shifted from developed areas on the eastern bank to residential properties on the west. The mall site itself, historically not a flood storage basin, has become a flood plain since escavation to replace storage lost elsewhere from development. Filling this site passes the buck to flood prone residential properties, and the record shows the state and federal agencies have done a poor job predicting where problems will arise. The impact of constructing I-91 and the Rt. 22 connector needs assessment. Banton Street was a residential neighborhood condemned after changes in river's flood storage capacity increased water levels here. This might be a precedent for flooded properties along the river between Broadway and Upper State. Environmentalists have also indicated the river needs dreging since the Dam collapsed.
4. The DEIS spends little time assessing accumulative impacts. The FIA has told the ACE that the flooding impact of cumulative development on the flood plain might be signifigant. The policy of the past and present has been to assess impacts one parcel at a time. This is exactly why a flood problem now exists. Landfill decisions at state and federal levels should recognize the trend that exists and evaluate the mall not as one parcel, but the hallmark for massive secondary development to the Quinnipiac flood plain.
5. Development alternatives were not addressed. Light Industry at the mall site is more environmentally preferable. It would require less parkinglot pavement, be conducive to landscaping which can avoid wetlands, and not be traffic-oriented, therefore minimizing secondary construction on the flood plain.
6. Conclusions: The prudent course for the Corps would be to re-draw the encroachment line, then start from scratch, focusing on accumulative impacts. The Corps has access to hydrological expertise which would make such a study easy to perform.

HISTORIC BRIDGE DISTRICT

Memorandum of March 9, 1982

[redacted].

RE: Critique of ACE DEIS pertaining to historic Bridge district impacts.

Page IV-33 of the DEIS states the mall would have no signifigant impact on the proposed North Haven Bridge district. I take issue with this finding for the following reasons.

1. The degree of mall-relatedness for the 4 lane widening of Bishop is to be determined in court. An affirmative rendering would constitute a potential signifigant mall impact to existing historic and neighborhood resources not now acknowledged by the ACE. The ACE should be reminded this widening involves the potential removal of 5 homes, some historic in nature or important period links to other historic homes, and the repossession of private property.
2. The degree to which mall traffic figures in road improvements for Bishop, State, and the connector, must first be defined in detail before the ACE can claim mitigation measures alone will absorb the incrimental effects the mall may have on historic structures. The developer admits 1/3rd of mall traffic will travel Bishop between Rt. 15 and the VSR. Mall traffic will also nearly double existing traffic figures on State. A jughandle is planned off the connector.
3. The DEIS has not addressed flood impacts on historic homes at all. Several of these homes suffer severe flood conditions each spring. The DEIS map of flood prone properties on page III-9 acknowledges 5 of these homes as "flood prone," but fails to mention them as historic in nature (spec. Steeves, Pierpont, DeMorro, Alfone and Olmstead).
4. The need for a jughandle to service mall traffic connecting Rt. 22 to VSR would involve the potential need to fill a flood plain directly opposite the most severely flooded historic properties (Steeves, Pierpont and DeMorro). According to residents, since 1970 construction of I-91, the Rt. 22 connector and various downstream developments from Broadway north, have displaced flood waters and are responsible for the existing flood problem. Since the DEIS flood study is also incomplete, I believe this entire issue deserves more study.
5. The North Haven Historic Resources Inventory concluded this portion of the Bridge district between Bishop-State-Broadway contained the highest concentration of 18 and 19th c. homes in town. Other correspondence (look see) refers to this portion of the district as a cohesive neighborhood unit which merits Federal protection. The application for State and Federal historic register status is currently pending.
6. The homogenity of the Bishop-State-Broadway area has suffered cumulative losses due to development. This slow dissolution of the northern parimeter of the district should stop. Two 19th c. homes were removed for the Rt. 22 connector, one 18th c. home was lost to demolition by a developer at State and Broadway. Careful planning for development of nearby land with industrial and not retail traffic generators would substantially reduce this trend.
7. The DEIS tends to view the mall as an isolated factor when it should be considered part of a larger scenario of potential development. Failure of the DEIS to tabulate the character and impacts of secondary and strip development subsequent to the mall negates a comprehensive review of mall impacts on the proposed Bridge district.
8. Conclusions: The DEIS is incomplete on this subject. It focuses on the Bridge district as a whole, and so, narrows the impact of the mall upon the most homogenious portion of the district. It both minimizes and fails to link traffic and flooding impacts to Bishop-State-Broadway, and the mall with an overview of secondary development. In addition, the ACE cannot assume Bishop improvements and related property acquisitions are independent of the mall until all litigation is completed.

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Connecticut Fund for the Environment, Inc.

March 26, 1982

Col. C.E. Edgar III, Division Engineer
U.S. Army Corps of Engineers
Waltham, Mass. 02254

Dear Col. Edgar;

Re: The North Haven Mall

I am writing to you at the suggestion of Lt. Col. Rappaport to request an extension of time for the comment period on the Draft Environmental Impact Statement about the application of Mall Properties Inc. for a Section 404 fill permit from the Army Corps of Engineers.

As I noted in my oral remarks at the Corps of Engineers hearing, the Connecticut Fund for the Environment (CFE) has played an active role in the environmental assessment process.

In 1979, we wrote to the Corps petitioning for the assertion of jurisdiction over the proposed North Haven Mall and supported that petition with scientific field reports on the Wetland character of the site. We further urged the Corps to require the developer to apply for a Section 404 fill permit and to prepare an Environmental Impact Statement before deciding whether such a permit should be granted. In 1980 we met with Corps staff in the process of scoping the Environmental Impact Statement and in 1981, we reviewed the reports prepared by the developer and forwarded expert opinion on those reports to the Corps.

Thus, we have had an active role in this proceeding heretofore.

The Connecticut Fund for the Environment is a 2,500 member public interest legal action organization. We have hundreds of members who use and enjoy the Quinnipiac River in the area of

MAR 29 1982

the proposed North Haven Mall for fishing, hunting, boating and other recreational uses. Others of our members are directly concerned with possible impacts of the North Haven Mall on local air quality, while still others are concerned with the region-wide impacts of the mall on already established retail shopping areas.

As a coalition of attorneys, scientists and citizens, the Connecticut Fund for the Environment relies upon volunteers for most of its expert advice. We lack the financial resources to retain such consulting firms as Jason Contrell and Gladstone Associates. As a result, our experts donate their spare time to CFE. Therefore CFE needs more time to reply to the Draft Environmental Impact Statement.

This document was some two years in the writing. CFE cannot effectively respond to it within the comment period provided. CFE therefore requests a thirty day extension for its comments until April 28, 1982.

In the event that our request for an extension of time is refused, let me outline briefly our initial comments after quickly reviewing the Draft Environmental Impact Statement.

I. Reliance On The Reports Of The Developer

The Connecticut Fund for the Environment was startled and disappointed at the reliance of the Army Corps of Engineers on the work done by the expert consultants for the Mall developers. We were taken aback to discover that--of the 19 appendices relied upon by the Corps for preparing the Draft Environmental Impact Statement--17 had been prepared by the developers' consultants.

We do not, by this objection intend to suggest that the Mall developers' reports are a tissue of lies. However, as a public interest environmental group often engaged in legal action we have often been made aware of the partisan use to which expert testimony can be put. If Mall proponents and opponents were equally endowed with cash and experts, partisan reports on both sides might pile up and the Corps might then be in a position to judge between them. The parties in this proceeding are not equally matched. Those of us concerned with environmental quality will not personally profit if the Quinnipiac River and its wetlands are protected. The concentrated interest of Mall properties Inc, leads it to submit material which tends to weigh in favor of granting a 404 permit. Where the scales are so clearly tipped, CFE believes the Army Corps of Engineers has a special duty itself to examine the environmental issues involved and not simply to rely upon the developers'

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experts. Stapling an Army Corps of Engineers cover on a developer's document does not change the document's underlying partisan character. Therefore the Connecticut Fund for the Environment objects to this massive reliance on partisan documents in this case. This reliance is, in our view, especially injurious in those areas of the Environmental Impact Statement outside of the Corps' traditional expertise. For example, much debate in this process has focussed on the economic impact of the Mall on the New Haven region in general and on downtown New Haven in particular. While CFE is concerned with this issue, it has little expertise in such matters. Does the Army Corps of Engineers? If the Corps has access to such expertise, the Draft Environmental Impact Statement doesn't appear to incorporate it. Indeed it appears as though the economic impact section of the Draft Environmental Impact Statement was written by Gladstone Associates. It is our view that the Army Corps should obtain impartial economic advice of its own. To rely solely upon the economic reports prepared on behalf of the applicant would--in our view--be unreasonable.

Other aspects of the Draft Environmental Impact Statement also suffer from excessive reliance upon the reports of the developers' experts.

II. The Army Corps Of Engineers Errs When It Treats The Issue Of The North Haven Mall As A Local North Haven One.

While the Corps of Engineers held two days of hearings in North Haven, it held no hearing in other affected communities. The site of the hearings in North Haven was inaccessible for those using public transportation. As a result, only those with automobiles could possibly have attended. The resulting audience was richer, whiter and younger because the poor, black, Hispanic and elderly population who use mass transit exclusively could not attend. The Army Corps of Engineers decision to hold only isolated North Haven hearings thus underscores its misunderstanding of the regional character of the proposed project. Hearings should have been held in other affected communities as well as North Haven.

III. The Army Corps Of Engineers Erred When It Decided To Exclude Consideration Of The Proposed Bishop Street Project From The Draft Environmental Impact Statement.

The Connecticut Fund for the Environment represents the Bishop Street Preservation Committee in a court challenge of the widening of that street--Bishop Street Preservation Committee v. Powers. CFE and the Bishop Street Preservation Committee believe that this historic community is about to be sacrificed on the altar of the North Haven Mall.

The state Department of Transportation refuses to consider the specter of the Mall which is the spark behind the move to widen Bishop Street. Thus it fell to the Army Corps of Engineers to evaluate the Mall and Bishop Street. The fact that the Draft Environmental Impact Statement does not do this, in our view renders it inadequate as a matter of law.

The connection between the Bishop Street project and the proposed Mall is as follows:

a) The widening project was a low priority item for the Town of North Haven until the Mall was proposed.

b) Mall Properties Inc., participated actively in favor of widening Bishop Street--submitting technical comments and political support for the project.

c) In fact, the Federal Highway Administration has stated that it is awaiting the assessment by the Army Corps of Engineers before deciding whether to go forward with plans to fund the widening.

Indeed the Environmental Impact Statement is the last chance for <u>any</u> agency federal or state to evaluate the Bishop Street project in a rational way, that is, in the light of the proposed Mall. Failure to include the Impacts on Bishop Street is therefore an eggregious error which renders the Draft Environmental Impact Statement inadequate as a matter of law. It is unseemly for agencies to point the finger at each other--like Tweedledee and Tweedledum--each claiming the other should examine the project.

III. Transportation

This is another area outside the traditional area of expertise of the Army Corps of Engineers. The Draft Environmental Impact Statement disposes of the transportation issues in less than two pages. In fact, those two pages and accompanying tables were proposed by the Mall developer. We have had no opportunity to review this document in detail. However, an initial reading stimulates the following remarks.

a) The Transportation study by Barkan and Mess Associates, Appendix H, takes the traffic levels of the Mall from the Gladstone study of the economic impact of the proposed Mall (Appendix C). Therefore, our qualms about the Corps' singular reliance on the Gladstone study outlined above are reaffirmed here. Traffic figures depend on economice figures. Therefore, please note our view that reliance of the report of the Mall Developer, on the economic impacts--prejudices the results of the traffic analysis. This underscores the error of

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of relying solely on the Mall developer's economic analysis.

b) We worry about the assumption of the developer's traffic analysis that Bishop Street will be "substantially improved within the next few years" (p. 3 & 26). Then State Commissioner of Transportation Arthur Powers has asserted in an affidavit filed in court that no final decision on the Bishop Street Project has been made. A copy of that affidavit is available to you on request. We believe that a traffic scenario must be played out using the assumption that Bishop Street will not be widened if the Environmental Impact Statement is to inform the Corps as to the possible impacts of a 404 permit and the consequent Mall.

c) We do not believe that the traffic analysis of the loads onto I-91 Exit 12 South and North; Exit 11 South and North and Wilbur Cross Parkway South and North at Bishop Street were adequate. Our view is that these analyses fail to take into account the shift changes at Pratt and Whitney and other industrial facilities. Those shift changes concentrate traffic peaks at particular times which were not accounted for by the Barkan and Mess study. As a result, the maximum loads predicted by the report do not reflect maximum uses. Therefore we believe the Mall developer's analysis incorrectly underestimates background levels.

d) It should be noted that the developer's consultant's report fails to examine the impact of the proposed mall on mass transit. It fails to examine closely existing mass transit patterns in the region and the consequence of operation of the Mall on mass transit use. Clearly the report is correct when it states that public transport "in North Haven is presently limited" (p. 47). However the consultant misses the point. CFE fears that operation of the Mall will adversely affect the fiscal integrity of the existing Mass transit structure. Diversion of those mass transit riders going to downtown New Haven to shop, to autos headed to the Mall will deteriorate the fiscal integrity of the public transport system. This issue is ignored. If the issue is not addressed, the Environmental Impact Statement will continue to be inadequate.

IV. Air Quality

At the outset, CFE endorses the remarks of Professor Lawrence Solomon, M.D., Yale University Medical School, as to the air quality elements of the Draft Environmental Impact Statement and its supporting appendix prepared by Mall Properties Inc.'s consultant.

a) The decision not to analyze lead levels is a serious error.

Col. C.E. Edgar III March 26, 1982

The reason which the report gives for failing to analyze for lead is that "lead emissions are expected to decrease". Expected by whom, we wonder? Information available to the Connecticut Fund for the Environment indicated that sales of leaded fuels are increasing as smaller refiners seek to boost octane. CFE wishes to point out that by using optimistic assumptions, one can always conclude that no problems will arise. Use of rose-colored glasses in this case may lead the Corps to incorrectly conclude that lead levels will drop. There is no evidence for this prediction in the Draft Environmental Statement or the Appendix. Because of the toxic character of lead it becomes important to make an effort to quantify lead levels in the air.

Further, lead released into the air is often washed into rivers and streams--in this case ending up in the Quinnipiac River which already has startlingly high lead levels. Indeed water fowl hunters in the Quinnipiac River area are banned from using lead shot. Will the North Haven Mall's lead contributions to the air, and then to the river be far in excess of the duck hunters'. How much lead will be added to the community by the North Haven Mall? No one will ever know unless the Corps digs further in its Environmental Impact Statement.

b) We believe the developer's consultant and the Corps erred when they relied upon carbon monoxide data generated in Southington and Cheshire (p.11). There is no justification for this reliance on distant data. We question therefore the validity of the assumption of 1 ppm carbon monoxide as a background level. As the Draft Environmental Impact Statement and developer's report point out, carbon monoxide is a local phenomenon. As a result, carbon monoxide generation is stimulated by specific local conditions. Absent a showing of comparable terrain, traffic patterns, and weather, reliance on the Cheshire/Southington monitoring for determination of background levels is irrational. The unsupported and unsupportable assertions as to what is "representative" and what is not (p.11) is clearly unacceptable without at least some substantiation.

c) We believe that the air quality section of the Draft Environmental Impact Statement and the developer's consultant's report upon which it is based--is founded on the transportation report which in turn is founded on the Marketing report. This further underscores the danger of accepting uncritically the developer's report on the economic impacts of the Mall. The economic figures drive the transport figures which drive the air quality figures. Thus if the economic forcast is improperly prepared, it will diminish the validity and adequacy of both the transportation section and the air quality section.

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Col. C.E. Edgar III March 26,1982

d) (i) We believe the assumption made by the developer's consultant and the Draft Environmental Impact Statement that a compulsory Inspection and Maintenance program would be in place by December 31, 1982 may be wrong. The Clean Air Act may well be amended before that time. One proposal which has received widespread Congressional support--has been to eliminate any compulsory I-M Program from the Clean Air Act. If the I-M Program is abandoned, the Corps of Engineers will have based its air quality assessment on factors which turn out not to have occurred. It seems more prudent to analyze for "worst-case" occurrences rather than for best. Therefore CFE urges that those assumptions of diminished auto pollution based on yet-to-be enforced Clean Air Act standards be revised and that a scenario be modeled in which no auto fume reductions are achieved.

(ii) Similarly we suggest that the Draft Environmental Impact Statement and the developer's report are unduly optimistic about the Federal Moter Vehicle Emissions Limitations being a mechanism for reducing automobile based pollutants. First these limits may be abandoned by the Reagan Administration in an effort to help the Auto Industry. Second, in times of economic crunch, such as now, people keep their old cars running longer. Thus polluting older cars may well be around longer. The drop in new car sales recently may well be a harbinger of this trend. Therefore the Corps should assume that autos will remain at least as polluting as they are now in order to model for a "bad" case. Failure to do so--and to assume that somehow pollution will go away--renders the Draft Environmental Impact Statement inadequate.

e) We believe the Mall consultant erred by taking the weather data for the Mall from Sikorsky Airport. Absent a showing of comparable weather, good reason exists for rejecting Sikorsky weather as a baseline. The EPA Guidelines for Air Quality Modeling note that sites on the shore are subject to sea breezes not influencing more inland sites. Thus Sikorsky on the Long Island Sound does not have weather influences comparable to those around the North Haven Mall.

f) We worry that the margin of error for the carbon monoxide analysis is not calculated. Our view sites A,C,D,H,I & J reveal startlingly high carbon monoxide concentrations. If the optimistic assertions about auto fume levels do not come to pass we would expect violations of the Primary NAAQS at those sites. If the margin of error is large enough, even the most optimistic assumptions may produce Primary NAAQS violations. In any case the Mall will certainly exacerbate existing violations of the Secondary NAAQS.

V. Alternatives

We believe the alternatives analysis while quite broad is inadequate because it is shallow. A smaller redesigned mall is rejected as a "not

forseeable alternative for satisfying the need for additional retail space in the region". DEIS II-8.

The Draft Environmental Impact Statement points out that the smaller mall might cause legal problems for the developer. Is the Draft Environmental Impact Statement the place to worry about what commitments if any, one developer or the next may have--at it's peril--entered into? Should the Army Corps consider Mall Properties Inc.'s legal snarls as a factor in determining whether a 404 permit should issue. We say no.

Further the Draft Environmental Impact Statement appears to reject a scaled-down facility even though that would permit saving wetlands and high quality wildlife habitat. In regard to the scaled-down alternative, CFE wishes to point out that if development were sharply curtailed in the North End of the Property--omitting at least one anchor store, reducing mall space and parking area, and including a decked parking area--the result would be a mall with significantly less damaging environmental impacts. Our view is that an adequate Environmental Impact Statement would worry not about the possibility that a developer might experience a lower rate of profit DEIS II-7, but instead about those feasible and prudent alternatives which permit development of the site with the least adverse impact on wetland and wildlife habitat. In our view, failure to examine such an alternative violates the requirements of the National Environmental Policy Act. The Corps should favor an alternative which does the minimum injury possible to wetlands. The speculation that an applicant might make more money by destroying the wetlands, rather than less by not destroying them should not be relevant to the Corps' decision.

Since a smaller mall would also address the "public purpose" in this case to expand shopping, it seems that a close examination of that alternative is appropriate.

Admittedly, decked parking might be expensive, but nothing requires the Army Corps of Engineers to enrich the applicant. If decked parking would reduce the wetlands destroyed by the mall, perhaps a significantly smaller decked parking lot, especially with less building at the North End, would save high quality wetland and habitate.

The alternatives report fails to analyze the possibility of redesigning Mall Drive so as to save wooded swamp land. Eliminating the Northeast parking lot, with decking, or moving the lot elsewhere could save some of the wooded swamp area. A curve on the Northwest end of Mall Drive also would help preserve this area.

CFE believes highest priority should be given to exploring alternatives to the filling in of the eight acres of production wooded swamp.

The multilevel mall alternative is inadequately addressed in the Draft Environmental Impact Statement and the developer's consultant's

report. Sec. 4.3 p.II-7 DEIS and Appendix Q p.38-39. It is predicted that 3.7 acres of land could be saved. The developer's consultant states and the Corps repeats that this is less than 5% reduction in land requirements. Could the 3.7 acres saved be wetland acres? The Mall is preparing to destroy 32 acres of wetland. Thus, of the wetlands at stake, more that 10% could be saved by a multilevel structure.

CFE is shocked that the major interactive alternative of a reduced multilevel mall with less but decked parking was not explored. Because this alternative proposed the fewest adverse impacts on high quality wetlands, its exclusion from consideration is a flaw in the environmental impact assessment process. In our view, consideration of alternatives lies at the heart of the environmental impact process. Therefore we believe that the Corps errs when it relies upon the report of the applicant's expert for weighing alternatives. The opportunity for abuse is clear. For example--although the developer is nowhere listed as a source in the report; the report purports to speak for the developer when it states Mall Properties, Inc. would not be interested in a smaller mall. Thus, the consultant's report is clearly an advocate's document. To the degree that the Draft Environmental Impact Statement relies upon it, the Draft Environmental Impact Statement becomes a document which advocates on behalf of the applicant and this is inadequate. Therefore we believe the Corps must do its own analysis of alternatives.

VI. Water and Wetland Habitat

CFE believes the Draft Environmental Impact Statement is inadequate in its analysis of the Drainage Pond and the adverse environmental consequences of constructing such a pond, in our view, presents the threat of large scale toxic runoff of salt, gasoline, oil, lead and asbestos into the Quinnipiac River. In our view it is likely that the Pond itself will become a dead festering sore in the landscape. Therefore CFE opposes construction of this Pond and consequent destruction of the three ponds presently on that site.

Can settling be done by mechanical means? This option was not explored. In our view, saving the wetlands from improvident doom at the hands of the Mall developer justifies exploring the possibility that this runoff could be detoxified mechanically and/or chemically. This could permit the ponds to retain their function as habitats.

The wildlife survey is defective in that it failed to examine the site during the bird migration season. The writer of these comments has personally seen many great blue heron on the site. Since these are migratory birds, however, they may well not have remained for the Mall

developer's consultant to count them. This may be true of a number of migratory species. Thus the study is plainly inadequate.

CFE is also worried about the direct discharge of unsettled runoff from the northern end of the site. This runoff should be settled. Further, the Draft Environmental Impact Statement should explore the possibility of permitting no runoff from the North End.

We are disappointed that the Draft Environmental Impact Statement failed to examine the Quinnipiac River Action Plan prepared by the Section 208 Water Quality Team and the Regional Plannning Agency. An examination of that plan shows that the 75 foot set back for the Mall is inconsistent with planned recreational uses of the Quinnipiac River which requires a 300 foot set back should the Mall be permitted. The Corps should not sabotage the work of other Federal Agencies. By ignoring the Quinnipiac Action Plan, the Draft Environmental Impact Statement inadequately informs the permit decision-maker about competing concerns. Ignoring the 300 foot set back proposed by the plan also renders the alternatives analysis inadequate.

Finally let me reiterate our concern that the Army Corps of Engineers has allowed too short a time for comments on the Draft Environmental Impact Statement. CFE requests more time to refine the present comments; to add to them and to cover ground not addressed yet because of the shortness of time.

Do not think that CFE agrees that any section of the Draft Environmental Impact Statement is adequate because we have not yet commented on it. The comment period should be extended.

Very truly yours,

Daniel Millstone

Daniel Millstone
Litigation Director

Certified Mail Number 6992158

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Connecticut Fund for the Environment, Inc.

PO-13

x 257

April 16, 1982

Arthur N. Rappaport
LTC, Corps of Engineers
Assistant Deputy Division Engineer
Department of the Army
New England Division, Corps of Engineers
424 Trapelo Rd.
Waltham, Massachusetts 02254

Dear Col. Rappaport:

The Connecticut Fund for the Environment thanks you and the Army Corps of Engineers for the extension of time in which to comment of the draft Environmental Impact Statement (EIS) for the proposed North Haven Mall. In this letter, I would like to enumerate several questions I have about Section IV.A.3 and appendix C--the parts of the EIS devoted to surface water quality effects of the mall.

Three features of the report are of particular concern. First, the report prepared for Mall Properties, Inc., which is reprinted in appendix C, makes several assumptions which may not be valid about the dilution of heavy metals and de-icing salt which are expected to run off into the proposed settling pond and the Quinnipiac River. Second, the report asesses the impact of the assumed effects by comparing them to EPA criteria which are out-of-date. Furthermore, it does so in an unclear manner, for although the comparisons are printed clearly in a table, there is an unexplained element of variability in the criteria for freshwater aquatic organisms. Third, the report fails to support its opinion that the proposed settling pond will be able to replace the ponds which will be destroyed by construction and which are used as a habitat by several species of anadromous fish. The Army Corps of Engineers has simply reprinted this report, commissioned by the proposed developers, and added just a few pages of uncritical summary. In so doing, you fail to judge either the data or the reasoning of the report

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which, although printed as an appendix, really becomes the heart of that section of the EIS.

In asessing the potential impact of the pollutants in runoff which flow into the river, the report calculates the expected dilution of the pollutants in a simplistic manner. The authors of the report simply calculate the volume of runoff and the concentration of pollutants it contains, and assumes that the runoff will be diluted completely and uniformly as soon as it hits the river. In fact, the pollutants may travel as a plume down the river for some distance, and the concentrations of pollutants in that plume may be much higher than calculated. In the region of a river near the tidal zone, where salt water meets fresh and which serves as a habitat for anadromous fish, the presence of de-icing salts may pose a special problem. The problem posed by these salts may be even greater, given the enormously high and unexplained levels of sodium in the river. What will happen during a spring rainstorm that washes the winter's salt into the river? What sort of a plume will be created, and how will it affect access for the fish to the proposed detention pond? It is surprising that the Corps neither answers nor even raises these questions.

The report asesses the impact of pollutants by comparing data and calculations to the 1976 EPA publication Quality Criteria for Water. Since 1976, EPA has published Ambient Water Quality Criteria, which supersedes the earlier publication, and which contains criteria for both acute and chronic effects. Might an EIS dated February 1982 not have contained the most recent criteria, and might it not have used the acute criteria to evaluate the dynamics of the pollutants as they enter the water? In any event, the 1976 criteria for freshwater aquatic organisms which were used in the report seem to vary from comparison to comparison as they are listed in the figures, yet this variation is not explained.

The report determines that there will be an effect on the several species of anadromous fish that use the ponds on the site of the proposed mall. The ponds would be filled in, and this habitat would be lost ot them. The report predicts, however, that the proposed detention pond would serve as a suitable alternative for the fish. Yet the detention pond is to serve to allow settling of runoff pollutants. Has the report assumed that pollutants will settle

at a rate sufficient to allow the fish to live and breed? Even if that assumption is then valid, the report has not studied how the settled pollutants may interfere with the various species' use of the bottom of the pond.

I hope that the Corps will take a more detailed and critical look at the problems I have listed. An analysis of the effects of the mall on water quality standards which does not do so is incomplete. Thank you for your attention.

Sincerely,

Stewart Adelson

Stewart Adelson
Intern

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Rec'd 23 Apr 1982

PO-14 259

Connecticut Fund for the Environment, Inc.

April 19, 1982

Col. C.E. Edgar III, Division Engineer
U.S. Army Corps of Engineers
424 Trapelo Rd.
Waltham, Massachusetts 02254

Dear Col. Edgar:

Thank you for extending to us the opportunity to submit late comments to the Army Corps of Engineers on the North Haven Mall Draft Environmental Impact Statement. In order to suppliment the comments we have already submitted on the Draft Environmental Impact Statement prepared for the North Haven Mall by the Army Corps of Engineers, I wish to submit to you some material which will amplify those comments with regard to the heart of the environmental impact process--the evaluation of alternatives. As you may recall, we suggested that the alternative analysis was inadequate as a matter of law in our view.

The possibility of expanding existing retail centers was never considered in conjunction with a smaller, more compact mall. Indeed the expansion of existing facilities was rejected by the Corps' Draft Environmental Impact Statement because such expansion would not provide "necessary market coverage". The concept of "necessary market coverage" is, in our view, a mystical one. What makes any market coverage "necessary"? In our view the failure to closely weigh the impacts of such expansion was a crucial error.

Even more crucial, however was the failure of the Draft Environmental Impact Statement to evaluate fully a smaller more compact mall. Such a mall with three anchor stores, 25% less shopping and parking area, no free standing theatre, and a decked parking lot offers a viable--although more costly alternative to the proposed North Haven Mall. The virtues of such a mall include preservation of high quality swamp land and habitat at the northern end of the property and substantially increased setback from the Quinnipiac River--in accordance with the Quinnipiac River Action Plan (which you and the Mall developers--as we noted before, irrationally ignored). Our view is that such a use of the land is a real life possibility. To give you a sense of what this use might look like

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Col. C.E. Edgar III April 19, 1982

we have enclosed two drawings--one a rough site plan for the smaller mall; the other a perspective rendering. Further we've asked an engineering consultant to give you a rough estimate of the cost of such a mall. His statements are appended hereto as well. The total costs of the Mall would--under this plan--be increased and the cost per square foot of retail space would be increased as well. While the present developer now maintains it would not develop a smaller more compact mall, a) this may be a bargaining position and b) other developers may be interested in the site.

In any event the environmentally proper method of developing the site may entail more expense than simply ravaging the land and water. The Corps should not permit environmentally unacceptable programs such as this to go forward where alternatives which are less damaging exist.

Finally, let me point out to you that the road from Valley Service Road to Washington Avenue--"Mall Drive"-can easily be curved so as to permit a more southerly intersection with Valley Service Road. Such a curved road would eliminate the need for a 90 degree turn onto Valley Service Road in the alternative drawing we've submitted. In our view the slowing of traffic and its attendant pollution will be diminished by a reduced traffic volume. Curving of Mall Drive, together with the smaller more compact mall creates a significantly less damaging development. The damage to wetland habitats and the recreational uses of the Quinnipiac River would be substantially reduced. A full scale evaluation of this alternative is required if the alternatives section is to adequately inform the decision-maker as to environmental consequences of alternatives to the proposed application.

Very truly yours,

Daniel Millstone

Daniel Millstone
Litigation Director

Enclosures: 1) site plan

2) perspective drawing

3) letter to CFE from E. Paul Lambert, P.E.

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April 16, 1982

Connecticut Fund for the Environment
152 Temple Street
New Haven, Connecticut

Attention: Daniel Millstone, Esq.

Gentlemen:

In accordance with your request, I have reviewed the alternative site plan for the proposed North Haven Mall.

The alternative site plan retains approximately 48.5 acres of wetlands and upland habitats.

The estimated cost for the alternative site plan will be in the range of $35,000,000 to $40,000,000. Included in this estimate are the following items:

1. Common Mall Space
2. Parking Structures
3. Circulation Roads and Access Ways
4. Surface Parking
5. Landscaping
6. Site Lighting
7. Water and Sanitary Sewer Service
8. Storm Drainage

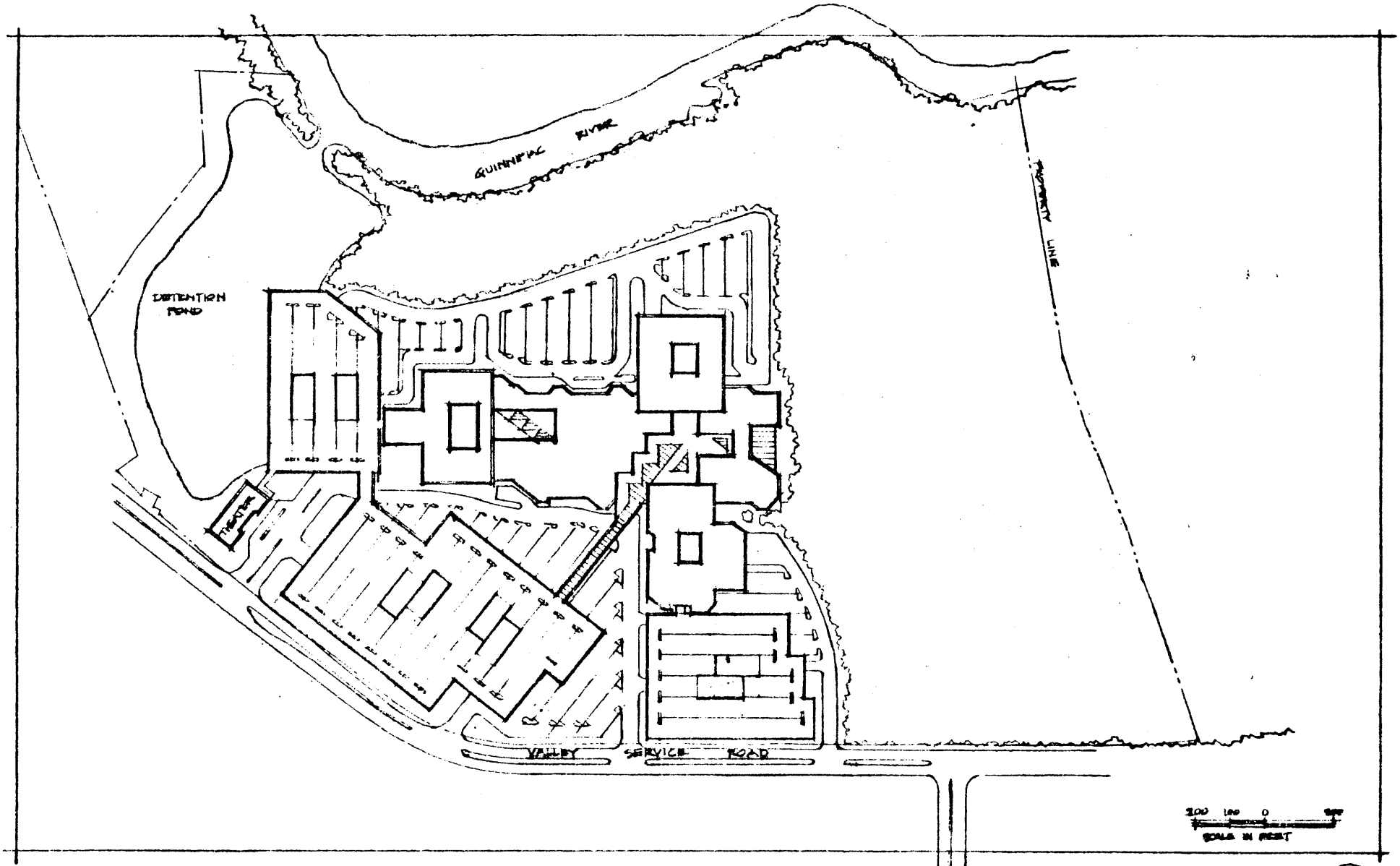
Items not included in this estimate are off-site improvements, earth moving or filling and detention pond or retention structures.

I trust these estimates will be sufficient to establish "order of magnitude" costs for the alternative site and development plan.

Very truly yours,

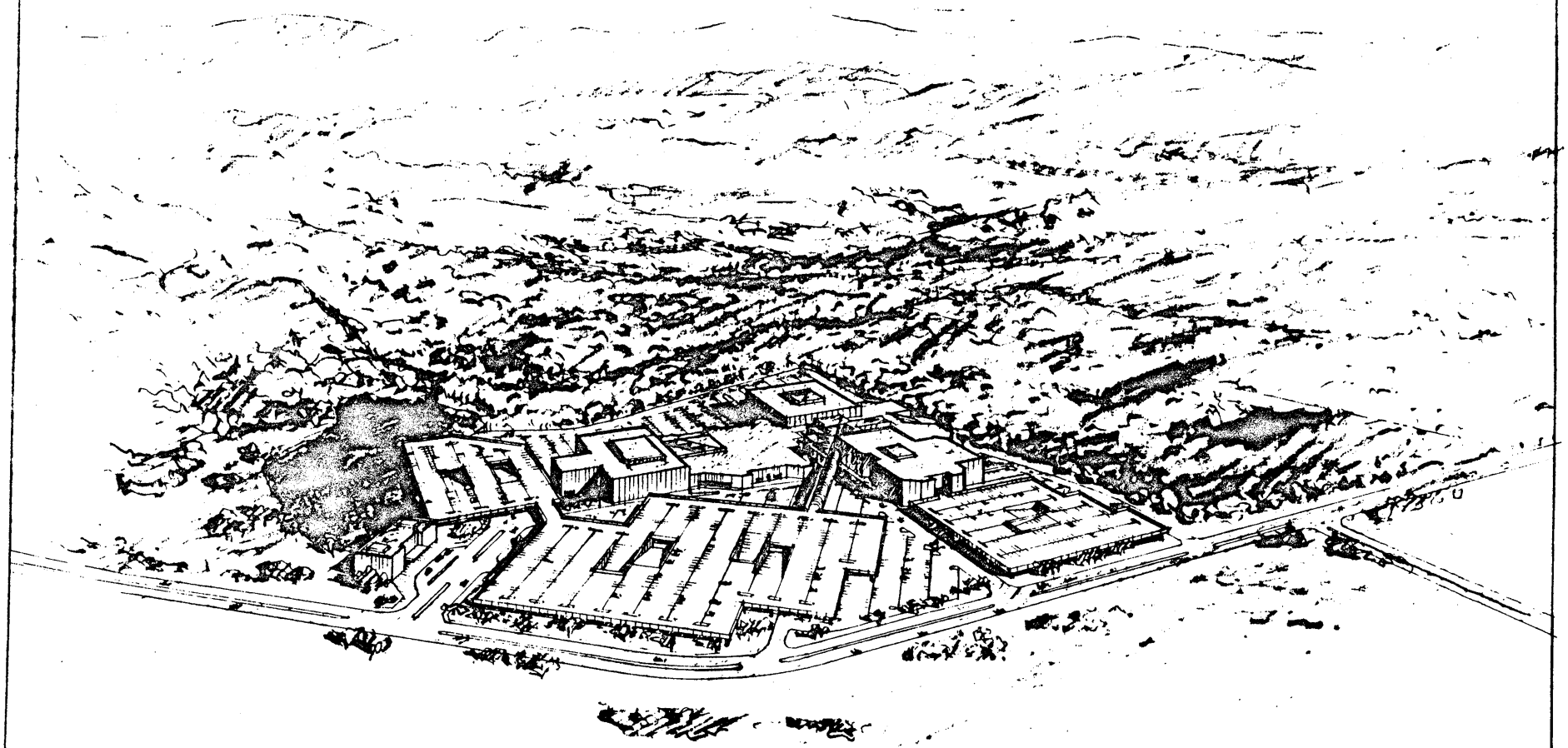
E. Paul Lambert, P.E.

EPL/lt



NORTH HAVEN MALL
VALLEY SERVICE ROAD
NORTH HAVEN, CONNECTICUT

SITE PLAN



152 Temple Street New Haven Connecticut 06510 203/562-6312

PO-15 364

nnecticut Trust for
storic Preservation

March 10, 1982

Division Engineer
New England Division
U.S. Army Corps of Engineers
424 Trapelo Road
Waltham, Mass. 02254

ATTENTION: Mr. Robert Adler, NEDPL-lP

Dear Mr. Adler:

I am writing as the assistant director of the Connecticut Trust for Historic Preservation to support the New Haven Preservation Trust's opposition to the conclusions set forth in "North Haven Mall Draft Environmental Statement and Section 404(b)(1) Review" as they relate to economic impacts on the City of New Haven. Connecticut Preservation is a state charted, publically supported, non-profit organization dedicated to the preservation of the State's historical and architectural resources. In fulfilling our chartered purpose we have been involved with local groups anxious to restore and revitalize their historic downtowns. Time and again, the issue of the adverse economic impact of a proposed mall on an historic downtown has been a major concern of residents, merchants and public officials alike. In New Haven, staff of Connecticut Preservation served as advisers on a study of the economics of restoring nearly thirty historic buildings in the city's commercial core. That study, prepared by the New Haven Downtown Council in cooperation with the New Haven Preservation Trust, vividly demonstrates that the key to their renovation is the rent paid by ground floor commercial tenants. Only at $15 @ square foot for ground floor space does it become economically feasible to restore these buildings. The proposed North Haven Mall would seriously weaken the retail market in New Haven, preventing the restoration of these buildings and leading to the abandonment or degrading of others.

We agree with the local trust's perception that the report's conclusions on the economic impacts of the project on the City of New Haven obscure and seriously mis-state the disastrous economic consequences the Mall will have on existing retail centers. Connecticut Preservation hopes that the Corps will, after review, deny the necessary permits for this project.

Sincerely,

Raymond C. Short

Raymond C. Short
Assistant Director for
Preservation Services

PO-16 265

LEAGUE OF WOMEN VOTERS

OF HAMDEN

HAMDEN, CONNECTICUT

14 Giles Street
Hamden, CT 06517
March 23, 1982

Mr. Robert Adler
U.S. Army Corps of Engineers
424 Trapelo Road
Waltham, MA 02254

Dear Mr. Adler:

This letter regarding the Draft Environmental Impact Statement (DEIS) for the proposed North Haven Mall is submitted on behalf of the League of Women Voters of Hamden, an organization of over 100 members. Having studied the issues surrounding the proposed mall, we have concluded that it would have an overwhelmingly negative impact on the social, individual, and natural environment of our region. Clearly a mall of 1.12 million square feet is a *regional* issue and the public benefits and costs must be viewed from such a perspective. While North Haven residents may realize a tax benefit from this proposed mall, it would be at the expense of the health of the region. It is the charge of the Corps to protect the entire public interest and not the interest of one town.

Why do we believe that this mall would be a terrible burden on our region?

Most important, we believe in the wisdom - even necessity - of bolstering our center city of New Haven. We believe in the reuse of existing buildings, use of the existing infrastructure, transportation systems, and centralization of services. The DEIS gives assorted figures on the impact of the mall on existing retail facilities. Groups and individuals more qualified than we have commented on the validity of these figures. The conclusion, however, is clear. These figures spell doom for many existing stores. We cannot treat existing retail centers as though they are disposable.

This mall, if built, would further segregate our region. The wealthy in their cars driving to the mall, leaving the poor to a deserted New Haven. This issue of racial and class segregation impacts should be addressed in the EIS. The League of Women Voters of Hamden wants to know how these impacts on the city can be rationalized in view of the Presidential Executive Order which requires that Federal actions be supportive of central cities?

The impact on the environment of the individual would be significant. In regard to air quality, the assertion in Table 4 that there will be no significant impact on air quality is absurd. We assume that what is meant is that on the basis of the calculations made, no violations of the national ambient air quality standards (NAAQS) are predicted. There is no way that the tremendous amount of additional automobile travel in the area will not result in a negative impact on air quality.

(more)

LEAGUE OF WOMEN VOTERS
OF HAMDEN
HAMDEN, CONNECTICUT

Several assumptions used in the air quality calculations are not justified and have resulted in figures which seriously underestimate the air quality impacts. Since even with these faulty calculations four intersections are calculated to reach close to the carbon monoxide (CO) standard, the whole tone of the air quality section should be changed to reflect the significant impacts which would occur if the permit was granted and the mall were to be built.

Specifically, in view of the very recent Congressional actions on the renewal of the Clean Air Act, the assumptions that there will be a 25% reduction in tailpipe emmissions is faulty. This is an optimistic figure even if inspection programs are required, and it appears ever less likely that inspection will be required. Secondly, the calculations are applied for 1984, when only 70% mall occupancy is projected. The air quality calculations in the EIS should reflect projected impacts under full occupancy and use and conservative numbers based on no auto inspections should be generated.

The impact analyses in the DEIS seem to consistently underestimate air quality impacts. To interject a bit of reality (as opposed to conjectural calculations), CO levels at an intersection near the West Farms Mall in Farmington Connecticut, a mall much smaller than the proposed North Haven mall, are measured at 73.5 ppm, more than eight times the NAAQS.

The DEIS simply mentions that there may be air quality impacts on nearby state and local parks. What would be the projected impacts under the fully occupied conditions with realistic figures on tailpipe emmissions in this area known for its poor air quality and atmospheric inversions? Is further degradation in an area already burdened with some of the worst air quality in the nation worth the price?

Virtually all of the wetlands not within the channel encroachment lines would be destroyed under the proposal. The reason that the wetlands within the encroachment lines are proposed to be preserved is the developer's desire to avoid the necessity of applying for an encroachment permit from the State Department of Environmental Protection. The figures in DEIS seem to imply that the proposed wetlands destruction is insignificant since it is a "small" proportion of the remaining wetlands. We, however, take a different perspective. Destruction of 5% of the wetlands remaining along the Quinnipiac River in North Haven is a *very* significant amount if one considers how much has been destroyed in years past. Once destroyed, these wetlands are gone forever. This is the public trust and need which the Corps is charged with protecting. The Corps should consider this wetland loss in view of how much this Class C river, with its unacceptable water quality, needs the positive environmental impact of such riverside marshes.

(more)

LEAGUE OF WOMEN VOTERS
OF HAMDEN
HAMDEN, CONNECTICUT

The Hamden League of Women Voters cannot agree with the summary statement of purpose (DEIS I-1) that there is a "public need for a depth and variety of shoppers goods and merchandise not now available in the New Haven SMA." As an organization representing over 100 areaconsumers, we feel that our retail needs are adequately met. While building such a super mall might bring added convenience, this can hardly be called a public *need*.

In coming to a conclusion that this permit be granted, the Corps would have to conclude that the public purpose served in the build alternative outweighs the negative impacts associated with granting the permit. We feel that whatever public purpose, if any, would be served by building the mall, it is strongly outweighed by the damages to the public which would occur if the mall were built. The DEIS, however reads disturbingly much like the developer's analyses of impacts. Little *critical* thought appears to have gone into its preparation and we believe that the DEIS severly underestimates the negative impacts of the mall. On the basis of these findings, we call for substantial revisions to the EIS and state our opposition to the granting of a 404 permit.

Thank you for this opportunity to comment. We look forward to your response.

Yours truly,

Ellen Harrison

Ellen Harrison, Co-President

cc: Congressman Larry DeNardis

PO-17 308

LEAGUE of WOMEN VOTERS
NORTH HAVEN, CONNECTICUT 06473 / of North Haven

March 16, 1982

Statement: Army Corps of Engineers Public Hearing
Re: Fill Permit for Proposed North Haven Shopping Mall

PART ONE (of three parts)

I am Lois Hartsoe, Action Director of the North Haven League of Women Voters. I live at 11 Sherwood Drive, North Haven, Ct. I speak for the North Haven League of Women Voters.

The North Haven League of Women Voters studied the proposed mall, and members critiqued reports commissioned by the developer for preparation of the draft Environmental Impact Statement. We are disappointed that the draft EIS has a remarkably similar flavor to those reports and that supporting data consist almost exclusively of the developer's reports. We are disheartened at the acceptance by the Army Corps of so many negative impacts.

The draft EIS begs the real issue of whether the proposed mall offers greater public benefit or harm. The draft EIS is supposed to be an unbiased review by a neutral and objective body, the Army Corps of Engineers. "It is the Corps' responsibility to judge the effectiveness and completeness of the applicant's (environmental) assessment." (Summary Report of the Scoping Workshops, p. 2) <u>It has not done that</u>.

If a market analysis was not available to indicate whether the New Haven Central Business District could serve as an alternative to the proposed mall, why didn't the Corps seek out such an analysis? It is the responsibility of the Corps, not the developer, to research and analyze alternatives. The draft EIS referred only briefly to the study done by Rivkin Associates, Inc. and commissioned by the Department of Housing and Urban Development. This government study recommended that the fill permit be denied because the adverse impacts to the region would outweigh the benefits of the proposed mall to North Haven and the region. (Appendix R, p. 8). What has changed to negate this finding?

The North Haven League takes exception to the underlying assumption of the proposal, namely that there is a need in the area for a huge increase in retail services. The term "need" implies that we must have the proposed services, as if health and sanitation were in jeopardy. "Demand" is the more accurate term, reflecting consumer discretion. Nowhere in the draft Environmental Impact Statement are figures or sources identified to justify or define such a demand by the public.

If there is no real public need for 1.2 million square feet of increased retail space, the permit should be denied because it is stated in the draft EIS itself that "This alternative is the environmentally preferable alternative with repsect to impacts on natural resources." (p. 4, Summary, DEIS). If there is a real demand for expanded shopping, business should be booming for current businesses with expansions contemplated.

Is this, in fact, true? How many retail establishments have failed with the past five years? How many square feet of retail space are currently empty in the mythical North Haven trade area?

Furthermore, in the draft EIS there is no listing of the stores planned for the proposed mall or comparison of those stores with what is presently available within the mythical trade area of the proposed mall. How, then, can the public know with certainty that the proposed mall will offer retail shopping in a depth and variety not presently available? - a stated purpose of the proposed mall.

It should be noted that no other project contemplated in the Town in the past ten years has generated the controversy that the proposed mall has. The very strength and diligence of the opposition to the mall in contrast to other developments should give the Army Corps pause to consider carefully the validity and justification of the arguments against the proposed mall.

The North Haven League of Women Voters is convinced that the proposal before you in not in the best interest of the public and that the draft Environmental Impact Statement overlooks important errors in fact and logic. We are resubmitting to you our critiques of the developer's reports and will send a detailed statement on the draft Environmental Impact Statement. We urge you to address our concerns. We urge you to deny the permit.

LEAGUE of WOMEN VOTERS
NORTH HAVEN, CONNECTICUT 06473 / of North Haven

March 16, 1982

Statement: Army Corps of Engineers Public Hearing

Re: Fill Permit for Proposed North Haven Shopping Mall

PART TWO (of three parts)

I am Jeanne Arnone and I live at 15 Old Forge Road, North Haven. I speak as Co-Chairman of the Mall Action Committee of the North Haven League of Women Voters.

The economics and land use sections of the Draft Environmental Impact Statement fail to address the seriousness of negative impacts that the proposed mall would cause. It is terrible to accept an expected sales decline from 8.5 to 22% by existing businesses. It is unfair to ask family breadwinners to plan for poorer times ahead. The decline in retail sales certainly will not be uniform for all business. Some will have to anticipate going out of business. What is the number, location and type of business that could be expected to fail? How many locally owned stores will be replaced by national chain stores with no loyalty to or concern for local citizens?

How can we in good conscience knowingly approve a project that will have ill consequences for families presently working for existing businesses? Is the negative impact worth the expected tax dollars? There must be alternative development that would not have damaging effects and that would not alter the community's natural environment and its quality of life.

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Alternative uses for the site were not seriously analyzed in the Draft EIS. The Town administration repeatedly has shown willingness and imagination in promoting private development. Why state that it would be difficult for the Town to further its own development objectives for the site when two industrial parks are on the verge of fruition with far less controversy and within a much shorter time span?

The people who oppose the proposed mall are not "no growth addicts". They object to this particular project for legitimate and valid reasons. Nor are those who oppose the mall all outsiders. Many of us are citizens of the Town who live and work here and care very much about the quality of its life.

The Draft EIS shows that North Haven would experience deterioration in air quality and traffic movement and that the mall would cause an increase in crime. These problems may seem "insignificant", "limited", or"nominal" to some, but to those most likely to be affected, they are very real problems.

The North Haven League of Women Voters believes that the proposed mall would adversely and irrevocably alter the quality of life in North Haven. The permit should be denied.

LEAGUE of WOMEN VOTERS
NORTH HAVEN, CONNECTICUT 06473
of North Haven

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March 16, 1982

Statement: Army Corps of Engineers Public Hearing

Re: Fill Permit for Proposed North Haven Shopping Mall

PART THREE (of three parts)

I am Laurie Hart Docknevich, Co-President of the North Haven League of Women Voters. I live at 112 Nottingham Court, Meriden. I speak for the North Haven League of Women Voters.

The North Haven League has reservations about the proposal's effects on water resources in the area of the site. The Clean Water Act--Section 404 Review states that "the southern half of the site is underlain by a stratified drift aquifer, capable of supplying some well water." (Section 404(b)(1), section 230.50) It goes on to say that North Haven presently gets its water from the New Haven Water Company and has no plans to construct a well at the proposed development site. It is pointed out that "the development would contribute soluble contaminants, such as chloride, to the aquifer."

Aquifers must be protected from all contamination so that they can be tapped sometime in the future to meet community needs. Will these contaminants from the proposed mall eventually permeate the entire aquifer system that is located along the Quinnipiac River in this same general vicinity? This system was mapped out in the Connecticut Plan of Conservation and Development in the early 1970's. We have a responsibility to future generations to protect this water source from any contamination.

The quality of the Quinnipiac River at the proposed mall site is classified as grade C, which is not outstanding but is an improvement over its previous condition. The draft EIS states that runoff from the Valley Service Road entrance would go directly into the river, but without significantly affecting it. But any addition to the present conditions can only be detrimental to the health of the river. The aim is to clean up the river and make it a recreational area, not to degrade it further. It has taken years to get the water up to grade C; why accept a plan that dilutes the effort to protect and improve the river?

Additionally, the 16 acre pond which is being created to contain run-off and help compensate for the filling in of the wetlands presents many questions. Healthy vegetation, other than algae, grows from the bottom of water bodies. Will this occur with the kind of sediment that will be deposited on the floor of the pond? The pond will not act as wetlands and become a recharge area unless it is constantly cleaned of contaminants. What will prevent the dumping of this water, with suspended contaminants, into the river during flooding or even normal conditions? If an access is to be provided for fish from the river to the pond, then free flow must exist between the bodies. No filters to trap the contaminants are discussed for the pond nor is cleaning of the pond.

The North Haven League of Women Voters believes that these water concerns are not adequately addressed in the draft EIS. Therefore, the permit should be denied.

PO-18 275

LEAGUE of WOMEN VOTERS
NORTH HAVEN, CONNECTICUT 06473
of North Haven

March 27, 1982

Mr. Robert E. Adler
U. S. Army Corps of Engineers
New England Division
424 Trapelo Road
Waltham, Massachusetts 02254

Dear Mr. Adler:

The League of Women Voters of North Haven, Connecticut has studied the proposed North Haven mall at great length and has consulted with experts on the issue. Our perspective differs from that of the developer, and apparently from that of the Army Corps of Engineers. Our statements presented at the public hearing (North Haven, March 16, 1982) indicate our concerns about negative impacts that have not been adequately addressed, and in some cases not even acknowledged, in the draft Environmental Impact Statement.

The enclosed document is in the format of a critique of the DEIS, but it includes new information and different but valid interpretations of data presented in the DEIS. Our major complaints with the DEIS are:

1) biased language;
2) selective use of data and conclusions based on that data that generally favor the proposal;
3) failure to give adequate attention to potential negative impacts;
4) failure to present quantified data where available and discounting unquantifiable impacts.

Additionally, we question whether the full requirements of the Scoping Workshops have been met. Several important concerns from the workshops have not been addressed; their inclusion would show further negative (and, for the most part, quantifiable) effects of the proposal.

The League of Women Voters requests that the Corps of Engineers respond to our questions, acknowledge the inaccuracies and bias in some of the technical memoranda, and consider the interpretations of the developer's data that we find to be valid. A fair decision on the permit can be made only if pertinent evidence from all sides is included in the decision-making process. The draft EIS does not reflect the magnitude of evidence against the mall.

We are enclosing a copy of the Connecticut Plan of Conservation and Development 1982-1985. We urge you to review the mall proposal in the context of this policy statement, which is a major guideline to development in Connecticut.

We appreciate the opportunity to present our views. In all of our dealings with representatives of the U. S. Army Corps of Engineers, we have found them to be courteous, responsive and professional.

Very truly yours,

Carol Cangiano

Carol Cangiano

Laurie Hart Docknevich

Laurie Hart Docknevich
Co-Presidents

Enclosures (2)

cc: President's File
Action File
Mall Action File

NORTH HAVEN LEAGUE OF WOMEN VOTERS

RESPONSE TO DRAFT ENVIRONMENTAL IMPACT STATEMENT

PROPOSED NORTH HAVEN MALL

MARCH 1982

NORTH HAVEN LEAGUE OF WOMEN VOTERS
RESPONSE TO DRAFT ENVIRONMENTAL IMPACT STATEMENT
PROPOSED NORTH HAVEN MALL

PURPOSE OF AND NEED FOR THE PROPOSAL

I 1: There is no reference in the draft EIS to the Connecticut Plan of Conservation and Development, which promotes a policy of orderly, responsible economic development for the people of Connecticut. This advisory plan establishes priority areas for development and stipulates policy objectives and means of attaining them. The discussion in Appendix M, Community and Visual Quality (p. 29), fails to describe the ways in which the proposed mall would <u>not</u> be in line with this plan of conservation and development and totally ignores the fact that development of New Haven is of a higher priority.

The State Action Strategy and Definition Criteria are listed on the back of the Plan's Location Guide Map. North Haven encompasses several classifications, all of lower priority for development than Urban Centers and Urban Conservation Areas. The mall site appears to be included in an Urban Growth Area, development priority 3. Not only is this lower priority for development, but the construction and operation of the mall would substantially hinder efforts to rehabilitate the New Haven downtown core. New Haven is classified as an Urban Center, defined as "Development priority 1 - Highest priority for affirmatively supporting rehabilitation and further development toward revitalization of the economic, social and physical environment of Urban Centers." On page 9 of the Plan of Conservation and Development, it states that "new centers should be restrained where population and retail sales growth do not justify them and where the retail market potential is adequately served by existing centers of nearly identical variety and scale of stores which would suffer major economic harm." The Economic and Land Use memorandum and the draft EIS do not demonstrate that 1) population or retail sales growth justifies the mammoth North Haven mall or 2) the mall would provide a variety of stores not presently offered in the market area.

ALTERNATIVES ASSESSMENT

Alternatives Evaluation

2.0 Single-Site Alternatives for Comparable Retail Facilities

2.2 Single-Site Alternatives

II 5: In the discussion of alternative sites for meeting retail needs in the market area, candidate sites in the Orange-Milford area are considered, then discounted because the northern and eastern sectors of the market area would not be "well served". Why is Meriden Square, which presently serves a large portion of the market area, omitted from the discussion? According to Figure 13, this mall serves Cheshire, Wallingford, Durham, Meriden, Middlefield, and North Branford. It is reasonable to include North Haven in the Meriden market area as well. Why, then, is another mall needed to serve the theoretical North Haven market area, segments of which are now served by their own regional shopping areas? In effect, the developer is saying that a market, presently unserved, exists. Will G. Fox or Penney's in North Haven draw shoppers from Meriden and Wallingford? How does this fit in with department store strategies? If Meriden, Wallingford, etc. shoppers will be drawn to the North Haven Mall, why wasn't the impact on Meriden calculated in Chapter IV? In fact, there is no mention of impact on Meriden under "Retail Market Considerations and Impacts", "Fiscal Impacts" or "Employment Impacts"? See pp. IV 21-26. Meriden is also ignored in Appendix L, pp. 67, 82.

3.0 Combinations of Comparable Retail Services

II 6: Is it true that the number of malls is increasing, especially in the north-east? Do malls really cause increased competition and lower prices? What are the prices of shoppers goods at malls in comparison with smaller shopping centers?

4.0 Onsite Alternative Configurations

4.4 Reduced Scale of Facilities

II 7-8: This discussion describes some potential effects of a smaller mall, but slights the discussion of positive impacts on the town and region - less traffic, less air pollution, fewer sales transfers, etc. Why does the Army Corps of Engineers look primarily at the developer's wishes rather than objectively assessing the projected impacts of a smaller facility? If a smaller mall is a reasonable alternative that would offer a compromise and be more in the public interest than the present proposal, it should be pursued more strenuously.

5.0 Alternative Uses of the Site

II 8-9: How was North Haven's "<u>share</u> of regional industrial development" determined? What does this concept mean in terms of other development in North Haven? In the region?

How is it possible to state on p. I 1 that "a public need has been demonstrated" (3rd paragraph) and then to conclude on p. II 8 that "it is not possible to make quantitative predictions on the demand for developing commercial space..."?

The Town of North Haven has gone to great lengths to promote private development. Other sites with potential infrastructure problems are now being developed with the assistance of the Town (locally known as Pearce/Lippincott and Penn Central tracts). The bias in the DEIS is evident in the choice of no development as "a likely scenario for the site" when no evidence is offered to support it. If the permit is denied, the aspects that favor the site's use will be just as strong and will become more important as other sites are developed. Also, the aspects that do not favor the site are presently applicable to the mall developer. Most of the site is not wetlands and would not require wetland-related permits for less extensive development. An alternative scenario offers a compromise to the Town - developing part of the site and preserving more of the wetlands than under the current proposal.

AFFECTED ENVIRONMENT

Surface Water Resources and Water Quality

1.0 Water Quality

III 6: The statement that "the Quinnipiac River meets the criteria contained in the water quality standards ..." disguises the fact that the state goal for water quality of the Quinnipiac is level B, not the current level. The addition of any contaminants (see p. IV 5, section 3.1.2) would work against this policy.

3.0 Hydrology and Hydraulics

III 6-7: If the engineers are wrong and if there is flooding of homes or businesses that is caused or made worse by the construction or operation of the proposed mall, what recourse would property owners have? What money - local, state or federal - might be available to them and at what cost to the taxpayer?

If the 1980 study did not accurately predict flooding levels of specific properties, what assurance do the residents have that the engineering reports are accurate in their analysis of the effects of the proposal? People live in specific properties.

Transportation
3.0 1985 Traffic Conditions Without the Mall

III 8: What improvements are planned for the near future that would alleviate the current congestion at the intersection of Clintonville Road and Washington Avenue? Discussions in July 1979 by League members with Connecticut Department of Transportation staff indicate that Clintonville Road was not programmed for improvements for at least 10 years. Washington Avenue has been improved, but what is planned for Clintonville Road? This road would carry heavy amounts of mall traffic and is already a bottleneck at the intersection with Washington Avenue.

Air Quality

1.0 Introduction

1.1 Air Pollutants for Analysis

III 9: The discussion of which air pollutants were studied does not take into consideration the effect of the planned state of Connecticut auto emissions testing facility to be constructed near the mall site. This facility will attract more older, lead-using cars traveling the same access routes as the mall traffic (e.g., I-91, Wilbur Cross Parkway, Clintonville Road, etc.). The combined impact of the additional traffic and additional traffic lights in the micro-analysis area would certainly increase the levels of lead and other pollutants in the air. What would be the increased level of pollutants as a result of these two developments?

2.0 Carbon Monoxide Levels and Pollutant Burdens Without the Mall

III 10: The report implies that the improvements to Washington Avenue would result in attainment of the 8-hour CO standard at the intersection with Clintonville Avenue. Is this, in fact, true?

Economics and Land Use

2.0 Retail Market Trends

2.1 Trade Areas

III 16: Why is Meriden included in the North Haven Mall market area, but North Haven not included in the Meriden market area? What evidence is there that North Haven shoppers do not go to Meriden or that Meriden shoppers would come to the North Haven Mall? The map in Figure 13 contradicts the discussion of sales diversions (Appendix L, p.60) which indicates substantial flow of North Haven sales dollars to Meriden.

III 17: What is the meaning of the sentence, "The opening of branches in the primary trade area has diminished the attraction of the original downtown ("flagship") stores, making them coequal with the other branches."? (This thought corresponds with the Economic and Land Use Memorandum, p. 5). What branches does Macy's or did Malley's have in the region? How does the following sentence apply? "This has tended to constrict or localize the trade area about each downtown store rather than pulling consumers from greater distances."

The discussion of Hamden's Magic Mile states that it consists "largely of discount department stores whose retail offering is different from that in a regional mall's full-line department stores with complementary shops." Sears is part of the Magic Mile, and until recently so was Penney's (which moved while waiting for the mall to be built). Arnold's East, Richard Thomas, Cobb's, a jeweler, a music shop, Howland's, Arthur's, Brian Alden, Hickory Farms, and Horowitz are some of the other stores which offer high quality merchandise and personalized customer service. The picture painted by the DEIS is therefore not representative of the facts. Stores in Hamden such as Radio Shack, Hickory Farms, and chain shoe stores are exactly the type of store that is found in a mall. Would they relocate to the mall? Would they open additional stores in the mall? If so, how would the mall differ from "the Magic Mile"?

2.2 Retail Sales and Supply Trends

2.2.1 Historical Retail Market Patterns

III 18: How much of the decline in shoppers goods sales in downtown New Haven was due to the ten-year deterioration of Malley's? The replacement of Malley's by another, better managed department store could reverse the trend dramatically. Has this been considered? Long before Malley's closed in 1982, shoppers were painfully aware of the difficulties of the store and had to find other places to shop.

Energy

III-24: The energy analysis is very shallow and limited. What about energy to operate the mall? What about fuel usage by trucks servicing the mall? How many trucks per day would be required to go to the mall? What about energy wasted because mass transit is really only a pipe-dream for the site?

ENVIRONMENTAL CONSEQUENCES

Proposed North Haven Mall Development

1.0 Topography

1.2 Geology

IV 1: On page III 1 of the DEIS it is stated that "bedrock varies from 0 feet Mean Sea Level ... to 150 feet below MSL". Here it says that "bedrock in the area to be developed ranges from 50 to 150 feet below MSL". Which figure is correct? What would be the effect on the water table?

4.0 Transportation

4.1 Mall Traffic

4.1.1 Trip Generation

IV 9: What are the references used for predicting trip generation rates for shopping centers? What shopping centers were analyzed? Are they representative of conditions existing in our local area?

4.1.2 Trip Distribution and Trip Assignment

IV 10: Some roads that would be very significantly affected were not included in the list of "access routes", i.e.:
--Bishop Street east of Hartford Turnpike
--Route 22 between State Street and Washington Avenue
--State Street north of Broadway
--Washington Avenue between Broadway and I-91, Interchange 12
Data is not presented to show traffic volumes or impact on these roads. The analysis does not reflect the fact that significant levels of local traffic from the east would use Washington Avenue to reach the mall.

4.2 Roadway Impacts

4.2.2 Macroanalysis Area

IV 10: The DEIS states that "5 of 17 roadways would experience a lowering in their level of service from "A" to "B" or "B" to "C" due to mall-related traffic during peak hours" (macroanalysis area), yet the next sentence says that "road operating conditions would remain at acceptable levels of service with no substantial change in traffic conditions." "C" level of service is "related to occasional balky suburban strip traffic, or urban design criteria." Davis Road, Clintonville Road, and Bishop Street west of Hartford Turnpike are all residential streets, and "C"

level of service with attendant noise and air pollution and increase in litter would certainly have an impact on property owners and property values in these neighborhoods, a much greater impact than a similar change in service level in a commercial area. Does the same standard apply on residential streets as on major arteries? Using the figures in Table 15, it is apparent that the incremental traffic volume will be as much as 25 percent on Clintonville Road (near North Branford Town Line), 35.7 percent on Davis Road, and 51 percent on Bishop Street. The rest of the percentages are in Exhibit I. For the rest of the roadway studies, the percentage changes range from 4.7 percent (I-91 north of Interchange 12) to 40.3 percent (State Street south of Broadway). How can increases of 20 to 40 percent be ignored with the statement that there would be "no substantial change in traffic conditions."? How great an increase is required to be considered "substantial"?

4.2.3 Microanalysis Area

IV-10: The intersection analysis in the microanalysis area does not specify where a traffic light would have to be installed in order to reach levels of service predicted. One of the greatest bottlenecks would be at the intersection of Route 22 and Valley Service Road where traffic now moves freely without a light. What will the additional air pollutant burden be at this intersection? Although the peak hour chosen was Saturday 1-2 pm, this intersection will experience continuously heavy loads of traffic and become a bottleneck for mall traffic and background traffic. Would the proposed jughandle be sufficient to handle the traffic at this intersection, with an estimated 1315 left turns per hour? Who would be responsible for necessary road improvements or other expenses needed to modify this condition?

Using the developer's figures, it appears that on the average, there would be one shopper vehicle entering or exiting the mall, at each access point, every 2.4 seconds for 14 hours a day, all week long. It would be even worse, a car every 1.8 seconds, during the peak shopping times (see Exhibit II).

IV 11: The discussion of how traffic will move to get to or around the mall fails to point out that there are only four ways to get from the eastern to western parts of Town in the vicinity of the mall: Toelles Road (2 lane), Route 22 Connector, Broadway bridge (2 lane) and the Mount Carmel (Route 40) Connector. There is not a multitude of choices. The traffic memorandum precisely predicts number of shopping trips and traffic volumes on access roads, but offers no data on what the impact of the extra traffic would mean to background traffic (including increased

EXHIBIT I

TABLE 15
ROADWAY IMPACTS IN MACROANALYSIS AREA
LEVELS OF SERVICE, 1985 W/WO MALL

Location	1985 Background (without Mall) Daily Traffic	Level of Service	1985 Combined (with Mall) Daily Traffic	Level of Service	% Increase
Major Routes					
I-91 north of Interchange 12	44,500	A	46,600	B	4.7
I-91 south of Interchange 11	56,000	C	71,100	C	27.0
W.C. Parkway north of Interchange 63	22,400	B	24,500	B	9.4
W.C. Parkway south of Interchange 63	27,800	B	34,100	C	22.7
Clintonville Road (Route 22) near North Branford Town Line	9,100	B	11,600	C	27.5
Clintonville Road (Route 22) west of Bassett Road	8,400	B	10,500	B	25.0
Davis Road (Route 22) at Hamden Town Line	4,700	B	6,380	C	35.7
Bishop Street (Route 22) west of Hartford Turnpike	4,900	B	7,400	C	51.0
Washington Avenue (Route 5) at Wallingford Town Line	12,600	C	13,860	C	10.0
Dixwell Avenue (SR 717) west of Ridge Road	14,300	C	15,980	C	11.7
State Street (Route 5) at Hamden Town Line	12,800	C	14,480	C	13.1
State Street (Route 5) south of Broadway	7,300	C	10,240	C	40.3
Quinnipiac Avenue (SR 750) north of Montowese Avenue	8,700	C	10,400	C	19.5
Maple Avenue (SR 750) south of Broadway	6,600	C	9,120	C	38.2
Secondary Routes					
Pool Road north of Clintonville Road	6,300	C	6,930	C	10.0
Blakeslee Avenue west of Bassett Road	3,150	B	3,780	B	20.0
Hartford Turnpike south of Mount Carmel Avenue	3,400	B	4,030	B	18.5

Source: Appendix H, Transportation. Level of service compares volume of traffic to the capacity of the road to handle it. Level of service for roadways is measured on a scale of "A" to "F" representing conditions ranging from free flow to forced traffic flow. Level of service "D," the minimum acceptable level, describes a condition where traffic is approaching unstable flow but maintains generally tolerable operating speeds.

EXHIBIT II

IMPACT OF PROPOSED TRAFFIC VOLUME

Assumptions

- 42000 trips daily (non-peak)
- two entrances, equal distribution of traffic per entrance
- mall closed 10 hours per day (2200 - 0800)
- mall open 14 hours per day
- jughandle serves 1200 cars per hour

Traffic Volume Per Entrance

$$\frac{21000 \text{ trips}}{14 \text{ hours}} = 1500 \text{ trips per hour}$$

$$\frac{1500 \text{ trips/hour}}{60 \text{ min./hour}} = 25 \text{ trips per minute}$$

$$\frac{25 \text{ trips/minute}}{60 \text{ sec./minute}} = \frac{0.41666 \text{ trips}}{\text{second}}$$

$$\frac{1}{0.41666} = \frac{\text{seconds}}{\text{trip}} = 2.4$$

Conclusions

- One trip every 2.4 seconds, or one car passing a given point every 2.4 seconds for 14 hours per day per entrance in "non-peak" or "normal" shopping periods.

- During peak shopping times (Christmas season, for example) the traffic increases, and one trip occurs every 1.8 seconds for 14 hours per day per entrance for a total of 56000 trips per day.

- Jughandle capable of handling 1200 cars/hour will be unable to support demand.

delays and predictable accident increases), and how it might have to divert from normal traffic patterns to avoid heavy mall traffic.

4.3 Vehicle Miles of Travel

IV 11-12: In the discussion of vehicle miles of travel, there is no mention of the fact that one attraction of a mall is that it provides a form of "entertainment," even drawing people who do not plan to shop. The proposed arts and crafts exhibits, children's zoos, etc. that attract people to malls will bring in an additional traffic flow - not much in relation to total mall traffic, but significant when analyzing impacts on the Town. Why wasn't extra traffic included, and why is there no mention of service traffic, including heavy trucks using the roads night and day?

The statement that "the proposed mall operation would result in a regional reduction of approximately 12,000 vehicle miles of travel per day in the market area" is irresponsible. What does this figure represent in terms of total traffic, or total shoppers traffic in the market area? Using the figures presented in the DEIS, it appears that the total savings in shoppers' VMT would be between 0.00135 and 0.00225 (see Exhibit III). These figures represent only two-tenths of one percent at best. Is this significant? If not, why was it included? Doesn't this exaggerate the magnitude of energy savings? When service vehicles are included in the analysis, fuel savings vanish.

The Connecticut Plan of Conservation and Development Air Quality policy stipulates that the state should "emphasize transportation projects that lower emissions by reducing travel distance/time, improving flows or raising vehicle occupancy rates." (p. 35) The mall proposal will make traffic flow worse at many intersections in North Haven (note that even if level of service does not change, a large increase in number of vehicles at an intersection will have a negative effect on travel time and air quality), it will not raise the vehicle occupancy rate and, in fact, may cause more vehicles to be on the roads because some stores now accessible by public transportation will relocate to the mall (e.g., Sears) and other stores will be "displaced" by the mall.

4.4 Public Transportation

IV 12: The discussion of public transportation does not address the negative impacts that the operation of the proposed mall would cause as a result of the closing of businesses. What would be the impact on workers who lose their jobs as a result of the mall and who cannot obtain employment at the mall because of the lack of

EXHIBIT III

IMPACT OF REDUCTION OF 12000 VMT PER DAY (SHOPPERS GOODS TRAFFIC)

1. <u>At 15 miles per gallon</u>

$$\frac{12000 \text{ vmt}}{15 \text{ mpg}} = 800 \text{ gallons fuel saved}$$

$$\frac{800 \text{ gallons}}{355600 \text{ total gallons*}} = 0.0022497 = 0.002 \text{ fuel savings}$$

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2. <u>At 20 miles per gallon</u>

$$\frac{12000 \text{ vmt}}{20 \text{ mpg}} = 600 \text{ gallons fuel saved}$$

$$\frac{600 \text{ gallons}}{355600 \text{ total gallons*}} = 0.0016872 = 0.002 \text{ fuel savings}$$

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3. <u>At 25 miles per gallon</u>

$$\frac{12000 \text{ vmt}}{25 \text{ mpg}} = 480 \text{ gallons fuel saved}$$

$$\frac{480 \text{ gallons}}{355600 \text{ total gallons*}} = 0.0013498 = 0.001 \text{ fuel savings}$$

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* gallons per day for shoppers goods purchases (estimated for 1985) See DEIS, p. III-24.

transportation? Public transportation is presently minimal to North Haven. The suggestion that increases will come once the mall is operating ignores the present cutbacks in service and rapidly rising costs. North Haven is not a member of the Greater New Haven Transit District, thus gives no financial support toward it but wants more service.

4.5 Construction Impacts

IV 12: The DEIS states that "routing [of trucks during construction phase] from out-of-town sources would likely occur over Interstate 91 where no impact would be expected." This implies direct access from I-91 to the mall site, which is not true. Trucks coming off I-91 would have to go on either the Route 22 Connector (level C) or Washington Avenue (level B) to get to the mall site. This additional truck traffic would certainly be disruptive of the ordinary local traffic.

4.6 Secondary Development

IV 13: On what basis is secondary development expected to occur slowly? Already Washington Avenue is inundated with fast food restaurants which have moved in since the mall plan was announced. In that sense, secondary development has already begun. The important point is that secondary development IS expected, and all traffic effects, which are so lightly discounted in the DEIS, would be negative. What would additional development do to traffic on roads already at "C" or "D" levels of service? What remedies would be available and at what cost to the taxpayer?

Air Quality

5.0 Air Quality

5.1 Operational Impacts

5.1.2 1984, CO, HC, and NO Pollutant Burdens

IV 14: There might be a decrease in the total vehicular miles of travel in the region, but there certainly will be a substantial increase in vehicular miles of travel in North Haven. It is the concentration, slower pace, and pausing at signals of automobiles that contribute so heavily to air pollution. How many new signal lights are planned for the mall vicinity? What pollutant levels could be expected at the locations of the new signal lights?

5.2 Construction Impacts

5.2.3 Consistency with State Air Quality Implementation Plan

IV 15: The "worst case" scenario assumes continuation of standards presently in force under the Clean Air Act, but the future of these standards is uncertain. If they are lowered, the worst case would be much worse than the DEIS reports. Have alternate figures with lower emissions standards been considered?

Cumulative impacts do not include the proposed auto emissions testing facility which will be in the vicinity of the proposed mall. What effect will this have on air quality and traffic in the area?

6.0 Noise

6.1 Operational Impacts

IV-16: What is meant by the statement that "the increase in noise levels on Bishop Street, while readily noticeable during some hours, is unlikely to generate significant community response according to the ISO criterion."? During which hours will the noise levels be increased? Why is no community response expected? Has truck noise on the mall access routes been considered in predicting noise disturbance? This would continue day and night and be very noticeable as trucks shift gears and double-clutch entering and leaving the mall site.

8.0 Economics and Land Use

8.1 Project Benefits - Increased Comparative Retailing

IV 20: The DEIS states that "introduction into the market of a major new retail facililty could enhance competition within the shoppers goods sector." This is a biased, judgmental statement; the opposite could also be true. Existing facilities, dependent on local patronage for success, may not be able to compete with the regional draw of a large mall. Why wasn't it pointed out that the proposed mall might be detrimental to the region's economy and have an overall negative effect on retailing with far reaching secondary impacts?

How would mall rents compare with similar stores not in the mall? Aren't mall rents generally greater than those in other shopping centers, thereby increasing overhead, thus consumer prices? Is this in the public interest?

IV 21: What makes a "regional focus for retailing" a requirement "to induce large retail purchases by local customers..."? The anchor stores for the proposed mall do not offer greater variety or breadth than what presently exists in the market area; Macy's is downtown, Penney's is in Meriden and North Haven, G. Fox is in Meriden, and

Sears is in Hamden and Orange.

8.2 Retail Market Considerations and Impacts

IV 24: Although the DEIS states that potential negative economic impacts of the proposed mall cannot be reviewed at this time, it is the responsibilitiy of the Corps and the developer to project all impacts of the proposal - not just the ones that support the developer's plans. Were the effects of suburban malls in other locations analyzed to determine economic and other impacts? If not, why not?

The DEIS suggests that existing North Haven stores would benefit from the increased consumer traffic generated by the mall. Would this mean more congestion on Washington Avenue than the developer's traffic flow analysis acknowledges? How can potential positive impacts be suggested without analyzing their potential, but perhaps more significant, negative impacts? In fact, would increased traffic make it difficult for consumers to enter and exit local stores, with resulting negative impacts on local business?

8.3 Fiscal Impacts

8.3.1 Local Impacts

IV 25: The statement that "the town's investment in the construction of the Valley Service Road ... would be dissipated if the mall were not constructed, unless other development could occur there," when taken with the suggestion that other development is unlikely (page II-9), implies that the road was improved for the mall, which is not true. Once again, the possibility of other development on the site seems to be regarded as unlikely. Yet the Town was confident enough of attracting commercial/industrial development to the site to improve the Valley Service Road before the mall was proposed.

8.3.2 Metropolitan Area Impacts

IV 25: The statement that "retail sales diversions to the North Haven Mall may have limited impacts on the fiscal situation of other cities and towns in the metropolitan area..." is a value judgment because of the qualifiers, "may" and "limited". The effect will vary from municipality to municipality; what will be the specific effect on each of the surrounding towns in the metropolitan area? Why was Meriden left out of the analysis? On page II-5 of the DEIS, it is stated that Meriden is important to the market area. Are we to assume that although shoppers will come from Meriden, where there is already a mall, the loss of their purchasing dollars will not have an effect on Meriden's sales?

The suggestion that the "small potential impacts...could be offset by moderate-sized individual developments" ignores the fact that the municipalities might enjoy the benefits of maintaining their own tax base in addition to the development of new sources of tax revenue. For example, the city of New Haven would have an additional $3.7 million in taxable property if it develops about 50,000 square feet of Class A office space. The same goes for other towns in the region. The argument that they would be just as well off if the mall were built is specious and misleading.

8.4 Employment Impacts

8.4.1 Construction Impacts

IV 26: Apparently there would be a "55 percent leakage" of construction-phase employment? Who would fill these construction positions?

8.4.2 Impacts from Mall Operation

IV 26: The discussion of employment impacts fails to differentiate between full- and part-time employment and accepts an unrealistic projection of the number of employee transfers from existing retail establishments. Of the new positions, only about 50% to 60% would represent full-time positions. The proposed North Haven Mall site is not accessible by public transportation and there are no plans to make it accessible. Is it likely that employees who are now dependent on public transportation to get to their jobs would be able to work at the mall? If not, this effectively excludes a significant part of the work force. Has this been considered, in human terms, when analyzing potential transfers?

Is it valid to assume that information from several anchor stores suggesting that 15 percent of sales jobs are held by minority group members is applicable in this instance? North Haven has a low population of minority group members, is miles from the central city and, as mentioned previously, has limited access to public transportation. What is the level of minority group employment at other suburban malls without public transportation in predominantly white communities in the northeast? Even using the figure of 300 jobs filled by minority group members, would the net change for minority group members be a gain or loss?

9.0 Community Resources and Visual Quality

9.4 Community Services

9.4.1 Police

IV 30: Is the impact on traffic patrol and accidents on access routes and town roads considered in the discussion of manpower requirements of the proposed mall? Who will be called upon in the case of mall-related disturbances that do not actually occur on the mall property? Will police officers be required to process all criminal incidents related to the mall? What would the cost be to the Town?

9.5 Sociological Impacts

IV 31: The statements concerning potential sociological impacts are irresponsible and unsupported. Which malls in other areas were reviewed to determine that little sociological impact is expected? What is the difference between "hanging out" (which the DEIS deplores) at the town's recreation center, etc. and "socializing" (which it accepts) at the mall? After all, what is the recreation center for? Residents who live near other malls are aware that teenagers come from miles around to meet on evenings and weekends. Local recreation centers or roller skating rinks do not have this type of regional attraction. Were the additional cars of teenagers who come just to socialize but who don't purchase included in the transportation analysis, which is based on sales dollars?

The statement that "the amount of shoplifting and breaking into parked cars can be expected to be similar to that of other mall facilities situated in like communities" does nothing to determine how much additional crime the town can expect to have. What is the expected level of mall-related crime? How does this compare with the present level of similar types of crime in North Haven? Will mall-related crime require additional police resources or diversion of current police services? Why say that the projected shoplifting and breaking into parked cars will "have no effect on the community itself."? Won't the community be shopping there? Surely, a large regional parking lot is more attractive and conducive to that sort of crime than neighborhood store lots.

10.0 Historical and Archaeological Resources

10.4 Cumulative Impacts

IV 33: The statement discounting the increase in traffic on Bishop Street as having little effect on the North Haven Bridge Historic District contradicts the earlier statements about the heavy traffic on Bishop Street (peak hour increase of 178% on Bishop Street between Wilbur Cross Parkway northbound interchange and State Street) and the increase in noise levels there (IV 16).

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11.0 Energy

11.3 Transportation Energy Consumption

IV 34: Again, the DEIS takes pains to point out potential energy savings without giving any baseline or indicating what this figure represents. The projected savings of 535 gallons of gasoline per day represents only one-tenth of one percent of fuel used in the region for shoppers goods trips. Is this significant? How accurate is the projection?

Environmental Consequences of the No-Action Alternative

1.0 Topography, Geology, Soils and Ground Water

IV 35-36: This discussion unreasonably assumes that there would be no other development on the site. Since the mall project has been on the table for ten years, it is understandable that other developers have looked elsewhere in the meantime. Once the mall site is available again, what is to stop private developers from putting the land to use in a more acceptable and less environmentally damaging way? What evidence is there to support this pro-mall bias?

Mall Properties 295

PO-19

WINER, NEUBURGER & SIVE, P. C.

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March 26, 1982

C.E. Edgar, III
Colonel, Corps of Engineers
Division Engineer
424 Trapelo Road
Waltham, Massachusetts 02254

Dear Colonel Edgar:

These comments on the Draft Environmental Impact Statement ("Draft EIS") are submitted on behalf of the applicant, Mall Properties, Inc. The information underlying these comments was generally provided to the applicant by certain of the independent consultants who previously provided technical data to the Corps of Engineers. The comments generally follow the sequence of the Draft EIS.

Abstract

The sentence in paragraph 3, commencing "With the proposed modification...", erroneously states that congestion would occur during "peak hours, inclement weather and holidays." The traffic analyses (Appendix H) demonstrate that even at peak hours in busy shopping seasons traffic levels will be acceptable. Further, congestion caused by inclement weather is not caused by, and thus should not be attributed to, the proposed development.

Summary

The last paragraph under "(b) Adverse Impacts" states that on certain access roads, "there would be an increase in congestion

normally associated with malls." This statement implies that certain access roads are now congested, which is not borne out by level of service analyses. In addition the proposed mall will not cause congestion. (See Appendix H at 35-38).

III. Affected Environment

A. Flooding

Figure 10 (opposite page III-8) might be erroneously construed to identify all flood properties on State Street. Rather, the map was intended to identify only those properties which were surveyed in order to ascertain the cause of local flooding in the vicinity of State Street.

B. Community Facilities

Paragraph 2 on page III-20 states that the Town of North Haven probably meets the guidelines for providing 15 acres of recreation and open space per 1000 people...." Appendix M: Community and Visual Quality, states that the Town of North Haven in 1980 had 42 acres of public open space and recreation land per 1000 residents. (See Appendix M at page 23). The source of this information was the Town of North Haven. The Final EIS should reflect this correct ratio.

C. Transportation.

Paragraph 2.0 on page III-7 states that "With the exception of segments of Washington Avenue, Clintonville Road and Bishop Street, none of these routes currently experience severe traffic flow problems." State improvements to Washington Avenue have been completed, so there are currently no traffic flow problems on that route. In addition, while both Clintonville Road and Bishop Street have traffic flow problems, those problems of flow would probably not be characterized as severe. (See Table VI of the Draft EIS.)

IV. Environmental Consequences

A. Flooding

In paragraph 3 on page IV-8, it should be made clear that the site of the proposed Mall is not in the conveyance way of the Quinnipiac River.

B. Transportation.

In the first paragraph under Section 4.2.3, "Microanalysis Area", it is stated on page IV-11 that "Two intersections involving local roads, outside of the Mall site's entrances, would experience drops in present conditions to 'D' levels of service if the mall is constructed." It should be noted that these two intersections, Washington Avenue-Mall Drive and Valley Service Road-South Access Road, do not now exist. Thus, there would be no worsening of current conditions under the same circumstances. The sentence describing the proposed Washington Avenue-Mall Drive intersection, which states that "free-flowing traffic exists now", should be clarified to reflect the current absence of that intersection.

The second full paragraph on page IV-11, referring to the use of Bassett Road and Temple Street, is not, in the opinion of Barkan & Mess, a likely route. This volume of traffic, to the extent that it might exist, would not be a portion of the projected 4% approach traffic going south along Washington Avenue toward Mall Drive.

In the third full paragraph on page IV-11 refers to certain proposed road modifications to be made in conjunction with the development of the proposed Mall, and indicates that such modifications are contained in the agreement between the Town of North Haven and Mall Properties, Inc. There are additional road improvements which would be made in conjunction with development of the Mall not contained in this contract, and those are described on pages 27-29 of Appendix H: Transportation.

C. Economic

(1) Representations of New Haven

Section 8.2, commencing on page IV-21, contains certain information based upon representations by, or studies undertaken for, the City of New Haven. As explained in ensuing paragraphs, certain of the information is outdated or otherwise inaccurate and certain of the information is conclusory and lacks any factual predicate.

In the second full paragraph on page IV-21, it is stated that the City's retail core is comprised of approximately 6000,000 square feet. Since the issuance of the Draft EIS, Malley's, one of the two principal anchor stores in the downtown retail core, has closed. Malley's contained approximately 200,000 square feet of retail space, and the City's retail core has been correspondingly reduced. In addition, with reference to the last

sentence in that paragraph, there is no legal commitment on the part of the Rouse Company to develop additional retail space in the downtown area. The documents provided by New Haven reflect only an understanding that the Rouse Company will explore the feasibility of such development. Absent at least specific commitments of retailers, a specific site, and for adequate financing, the retail development prepared by the City is too speculative and hypothetical to be considered as practicable or reasonably forseeable.

In the third full paragraph on page IV-21, reference is made to the Halcyon report of October 1978. Only limited reliance can be placed upon the conclusions of that report, in that it merely posed possible additions of space rather than showing specific market support for new retailing.

On page IV-23, the Draft EIS reports certain conclusions advanced by the City of New Haven in its October 1, 1981 communication to the Corps of Engineers (see paragraphs 2, 3 and 4 on page IV-23). That communication, owing to the lack of factual information, provides little or no basis to evaluate the representations by the City which are reported in the Draft EIS. The comments contained in that communication are, almost without exception, conclusory and shed no light on the City's thesis that appreciable downtown retail space will be added in the near future, or the converse proposition that the proposed Mall will impact the central business district at levels substantially above those articulated in Appendix L.

The diversion range of 17.1% to 27.6%, reported in paragraph 3 of page IV-23, fails to note the base to which those figures apply. In addition, it is unknown whether those forecasts have accounted for the lists of anticipated downtown projects alluded to earlier in the October 1, 1982 communication.

Table 17, which was provided by the City and which purports to provide information allowing a comparison of sales projections for the downtown retail core under various scenarios, is predicated upon several erroneous assumptions. First, as indicated in the October 1, 1981 communication, the table is predicated upon the assumption that the Mall would contain 1.2 million square feet of retail space dedicated to the sale of shoppers goods. As reflected in the Draft EIS at II-2 and Table 1, the proposed Mall would have approximately 820,000 square feet dedicated to shoppers goods. Thus, the table overstates its estimates of impact by approximately 33%.

In addition, the October 1 communication uses a high productivity of $150.00 per square foot in order to reach determinations of

sales flow and supportable space. This number is applied to the total space for the proposed Mall as well as to the downtown shoppers goods target of 300,000 to 400,000 square feet. This erroneous assumption, when compared to a more reasonable expectation of sales productivity of approximately $100.00 per square foot, has overstated the sales figures and projections by approximately 33%.

Certain additional comments are warranted with respect to Table 17. Option C closely approximates the "baseline condition" (i.e., no significant retail space additions). Comparing Option "D" (conditions applying the mall construction) with the Option C baseline would allow the derivation of anticipated impact. Converting the data in Table 17 to constant 1980 dollars (per a 6% inflation rate compounded annually, as noted in the October 1 communication), the forecasts of the City would be:

Option	Retail Core Sales ($000,000)		
	1980	1986	1989
C (Baseline)	$ 61	$ 52	$ 47
D (w/mall)	$ 61	$ 42	$ 42

Thus, the respective 1986 and 1989 impacts come to 13.5% (i.e. $45 mil. vs. $52 mil.) and 10.6% (i.e. $42 mil. vs. $47 mil.).

This projection of the City is dramatically different from the 27.6% drop in sales reported in paragraph 3 of page IV-23 of the Draft EIS and as represented in the October 1, 1981 communication. That disparity is due to a different formulation which compares 1980-1986 changes for Option D (with the mall built and no new downtown space additions) only, rather than examining the change for any given year against the baseline condition for that same year.

Specifically, the city's 26.7% figure is derived by adjusting Option D in 1986 to $44.7 million (in 1980 dollars) and tracing the corresponding decline from $61.0 million in 1980 (a decrease of $16.3 million or 26.7%). If the correct baseline approach were used instead (as set out above) the city's estimate would come to the same 13.5%. Since the approach employed in the October 1 communication completely overlooks any baseline comparison, it has

no relevance to an issue of impact being considered in the Draft EIS.

The City of New Haven's projections, to the degree that they have any validity, further suggest that the downtown's position could be improved in relation to baseline (Option C) even if the Mall were built (Option B).

Option	Retail Core Sales ($000,000)		
	1980	1986	1989
B (Mall & CBD Additions)	$ 61	$ 59	$ 57
C (Baseline)	$ 61	$ 52	$ 47

Specifically, this would be a gain of 13.5% for 1986 ($59 vs. $52 million) and 21.3% in 1989 ($57 vs. $47 million).

In the second full paragraph on page IV-24, the Draft EIS reflects the City of New Haven's conjecture with respect to possible injury to existing department stores. The recent closure of Malley's cannot be attributed to the operation of the Mall; it instead reflects the precarious nature of downtown retailing.

(2) Regional Planning Agency.

References are made in the fifth full paragraph on page IV-23 to a suggestion of the Regional Planning Agency of South Central Connecticut of certain declines in retail sales that would be attributable to the operation of the proposed mall. The referenced March 8, 1979 memorandum of Norris Andrews, Executive Director of the Regional Planning Agency of South Central Connecticut, was, in its own words, "a very brief summary and projection of retail trade in the region with preliminary estimates of the growth and retail sales and of probably [sic.] distribution of that growth through the year 1990." The memorandum goes on to state as follows: "I want to stress that this is a very preliminary study, is still superficial...." Accordingly, that memorandum is a preliminary and superficial study by Mr. Andrews, and is not a formal projection of the agency. More importantly, because of its status, the memorandum is entitled to no consideration in the Draft EIS.

In addition, in separate comments submitted to the Corps of Engineers on Appendix L, Mr. Andrews stated that his only area of expertise is in the derivation of available income for GAF sales. (See August 14, 1981 communication of Mr. Andrews to Robert Adler of the New England Division, Corps of Engineers). Mr. Andrews' limited expertise was reiterated in his October 15, 1981 communication to the Corps of Engineers. In the first paragraph on page 3, he stated that he considered his "expertise to be solely in this field [of population projections]." Consequently, to the extent that the March 8, 1979 memorandum goes beyond Mr. Andrews' limited expertise, in addition to being a preliminary and superficial study, its conclusions should be disregarded.*

(3) Community Conservation Guidance.

In the last paragraph on page IV-23, reference is made to a report prepared for the United States of Housing and Urban Development under President Carter's Community Conservation Guidance policy. The applicant, through independent consultants, had provided comments to HUD upon the April 1980 draft of that preliminary report. After the preliminary report was issued in August of 1980, those comments were revised to reflect the limited changes in the August report, and copies of those comments are annexed hereto and made a part hereof this letter. To the extent that the conclusions of this preliminary report are not adopted by the Final EIS, there is no need for a response to those comments.

D. HEP Report.

The applicant has several comments upon the Habitat Evaluation Procedures ("HEP") Report undertaken by the Fish and Wildlife Service. In its determination of habitat unit losses, the Service assumed that if the Mall was not constructed, 50% of the shrub swamp and marsh habitat on the southern portion of the site would be lost due to the resumption of mining operations within 25 years. Although the resumption of these activities is conceded to be the only foreseeable activity in the event that the Mall is not constructed, the Service limited its assumption of mining to only 50% of the area because of the possibility that a permit would be required by those operations. It is the applicant's position that a permit would probably not be necessary, as certain of the mining activities have never ceased. Moreover, even if a permit is necessary, the Service has assumed that it would be granted for mining operations

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* The preliminary March 8 memorandum was never followed by a detailed study and analysis.

affecting 50% of the shrub swamp and marsh. In that event, it is unlikely that a permit would be denied for mining operations impacting the remaining 50%. Consequently, the Service's assumption that only 50% of this area would be mined does not reasonably estimate these land changes, and thus has erroneously increased the annualized habitat loss associated with this portion of the site.

Moreover, there is no reason to expect that the resumption of mining will occur gradually over the 25 year period, rather than resuming in its entirety at a much earlier date. The operators of the quarrying operations have indicated that mining activities would be resumed immediately if the Mall is not constructed (See Appendix Q: Alternatives Assessment at 60). Consequently, the Service has again overestimated the annualized habitat loss.

In addition, to these comments, we have submitted an accompanying memorandum on behalf of Mall Properties, Inc.

We trust that this material will prove helpful in the development of the Final EIS by the Corps of Engineers.

Very truly yours,

WINER, NEUBURGER & SIVE, P.C.
on behalf of MALL PROPERTIES, INC.

By _____
Mark A. Chertok

MAC:vp

PO-20 303

New Haven Downtown Council

STATEMENT BY F. ALDRICH EDWARDS, EXECUTIVE DIRECTOR, AT A PUBLIC HEARING ON THE NORTH HAVEN MALL PROPOSAL, MARCH 16, 1982

The New Haven Downtown Council is a tax-exempt, public purpose organization which seeks to achieve the economic development of the center city of this region. Since its inception 3 years ago, this program has been supported entirely by private contribution from 29 corporations and institutions whose names are listed in an attached submission. These firms are among the major employers in this region, as well as significant taxpayers in communities throughout this region. All have facilities located in New Haven's downtown district and also have branch operations or historically have sold goods and services to citizens and businesses throughout the region. For these reasons, all sponsors and underwriters of the Council's work have a sensitivity to the needs and opportunities which exist for all communities in this area.

Our efforts over the past year have concentrated on bringing into construction development projects whose plans are complete. Tonight I can state for the record that projects totaling more than $145,000,000 are either under construction or ready to go out for bids. Contrary to characterizations of New Haven as a troubled city, this represents the most significant period of development activity in downtown New Haven in the past 20 years.

P.O. Box 1456/161 Orange St./New Haven/Connecticut/06506/ (203) 777-9000

Why am I here tonight? I am here because my Board of Directors believes the Council has a responsibility to evaluate the Corps of Engineers' draft environmental impact statement and to comment on any forseeable negative economic impacts which may result from the construction of the proposed North Haven Mall. Our purpose is not to intentionally undermine a project which has been planned in good faith by dedicated officials here in North Haven over many years, but to respond in a professional manner to the invitation extended by the Corps of Engineers in its Notice of Public Hearing, dated February 1, 1982. We submit a statement which raises issues and asks questions which we believe must be answered before a final environmental impact statement may be published. The comments expressed do not represent the opinions or self-interests of any single firm participating in the programs of the Council, but result from an independent evaluation of the Draft E.I.S. by the Council's staff.

In conclusion, based on our studies to-date we believe that the benefits which may be derived by citizens of the south central Connecticut region from the North Haven Mall's operations are not of sufficient public interest to overcome the significant detrimental, economic impacts to be incurred. Unless new information is forthcoming, we believe the Division Engineer must deny granting the applicant's requested 404E permit.

3/16/82

New Haven Downtown Council

DOWNTOWN DEVELOPMENT REPORT

February 25, 1982

On the occasion of the Downtown Council's Annual Meeting, the following information is presented to advise our Directors on the status of projects which will have impact on the economic development of New Haven's center city.

Rouse Retail Center

Preliminary development proposals are being reviewed by the City, but submission of a complete, final plan must be deferred pending the resolution of several matters, including a determination of future use of the Malley's facility, the fate of the North Haven Mall proposal, and coordination of the project with the ongoing operation of the Chapel Square Mall. Regular weekly planning activities are being coordinated by John Noggle, Development Director of The Rouse Company, David L. Holmes, Director of the City's Office of Downtown and Harbor Development, and F. Aldrich Edwards, Executive Director of the Downtown Council. A critical element of the implementation process will require the direct participation of the City of New Haven and this community's private sector resources in partnership with the developer. The final plan is hoped to include as much as 300,000 sq. ft. of small store, specialty retailing and restaurant space, 35,000 sq. ft. of commercial office space, and locations for three anchor department stores, including Macy's, which could add another 500,000 sq. ft. to the project.

Government Center

Negotiations continue between the City of New Haven and the developer, a partnership of David Chase Enterprises (Hartford, Ct.) and Olympia & York Developments Ltd. (Toronto, Canada). Present plans call for the construction of a new City Hall containing 150,000 sq. ft. of municipal office space, a minimum of 450,000 sq. ft. of Class A commercial office space, and 50,000 sq. ft. of retail space. Plans also include appropriate space for library needs by combining the renovation of the existing library plus the addition of new facilities to the rear of the present structure. Design and building massing studies have been prepared for the City and a review of financial projections is now underway.

Shubert/Entertainment Center

During the past year a total public funding package of $5,500,000 was put together for the restoration and reopening of the Shubert Theatre. In recent months the City's Office of Downtown and Harbor Development has been working with The Schiavone Corporation and The Fusco-Amatruda Company to combine this theatre project with plans to revitalize the entire College, Chapel and Crown Streets area near the Shubert to accommodate a variety of entertainment, retail, restaurant, residential and office uses. Negotiations are active at the present time between the parties seeking to consummate a development agreement. Achievement of this project will provide an entertainment center which is unique in this state, combining facilities for a variety of commercial productions and community performing arts offerings alike.

Whitney/Grove Project

This 2-1/2-acre site, currently owned by Yale University, is under an option agreement with a development group which includes the Carley Capital Group of Madison, Wis. and the H. Pearce Company of North Haven, Ct. Development plans have called for the construction of 50,000 sq. ft. of commercial office space, 11,000 sq. ft. of retail space, and up to 120 condominium residential units with underground parking. The developer's exercise of its option was delayed beyond 12/31/81 because of a need to revise the financial projections and underwriting requirements, as well as to identify additional parking locations to support the proposed uses on the site.

Audubon Housing

The Arts Council of Greater New Haven has long been planning for the inclusion of housing in their Arts Center project along Audubon Street. Later this year a design competition is expected among local architects which can provide a development concept for these facilities. The Arts Council desires to remain the developer for this project in order to insure the construction of residential units which can accommodate artists. The plans also will include some market-rate condominium units and small arts-related retail uses.

WTNH-TV, Channel 8

This statewide television station will be building its new corporate headquarters and broadcasting facility on the southeast corner of State and Elm Street. Using a redevelopment parcel, which has been vacant for over 15 years, construction of the new building will be initiated in 1982. Working drawings are now being completed, land disposition agreements have been approved, and final design reviews have been made. The entire capital cost of the project will be underwritten from sources available to the station's parent company, Capital Cities Communications, Inc.

Center Court (SNET Building No. 1)

In recent months the developer of this project, Landmark Development Corp. of Greenwich, Ct., has acquired this 13-story building from SNET, having received the approval of the Department of Public Utility Control to convert the structure to 65 units of residential apartments with commercial uses on the lower floors. The start of construction on this project awaits several actions - a commitment of adequate convenient parking for tenants, agreement on taxes, and entering into a lease with SNET for the use of the land under the building.

Union Station

All the public funding is in place to undertake the renovation of this regional transportation facility. $28.5 million dollars is available, including grants from the Federal Railway Administration under the Northeast Corridor Improvement Project and capital provided through issuance of bonds by the State of Connecticut. In addition to the station's restoration, a new parking garage for 800 cars will be built to the north and a completely refurbished underground tunnel and train platforms will greet all passengers arriving in the City. Final elements of the working drawings are being completed, the project should go to bid in July, and construction could start in September. Earlier this month the State purchased the site from Penn Central.

Route 34 Air-Rights Garage

Construction continues on this major parking facility, located between the Yale-New Haven Hospital and the downtown commercial district. The project is being financed by $23 million of revenue bonds issued by the City of New Haven. The facilities will include spaces for parking 2,500 automobiles.

The Palladium Building

A local merchant, Nicholas Merletti, in association with his architect, Yager and Torello, have attracted outside limited partners to make possible the renovation of this architecturally significant structure along Orange Street. Estimated to cost close to $1 million dollars, construction is underway. The project should be completed by year-end with new retail and commercial offices filling the building.

Tower East

This newly built, 13-story housing facility is scheduled to open in April. Developed by the New Haven Jewish Federation, this $8 million project will provide an additional 144 residential units directly across the Richard C. Lee Connector from the downtown shopping district.

SNET Reuse of Former Jackson Newspaper Building

Construction nears completion on this project by SNET, which will provide this firm an additional 140,000 square feet of office space. The building will be opened in two stages this summer.

Yale-New Haven Hospital

Construction of the $64.5 million replacement unit at the hospital is scheduled to open for patient services later this year. It will provide 312,000 square feet of additional medical facilities. In addition, $8.5 million is being invested in improving existing facilities.

FAE:jm

PO-21

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New Haven Downtown Council

March 16, 1982

Col. C. E. Edgar, Division Engineer
New England Division
U.S. Army Corps of Engineers
424 Trapelo Road
Waltham, Massachusetts 02254

Re: North Haven Mall - NEDOD-R-13-79-561

Dear Col. Edgar:

I submit the attached statement on behalf of the New Haven Downtown Council within the time period allotted for public review and comment of the Draft Environmental Impact Statement issued on the above-referenced project.

We ask your consideration of the points made in our statement and response to questions we have raised before making the ultimate permit decision.

In conclusion, we thank you for providing us with this opportunity to respond to this proposal.

Cordially,

F. Aldrich Edwards

F. Aldrich Edwards
Executive Director

FAE:jm

Attachment

3/0

New Haven Downtown Council

March 16, 1982

THE NORTH HAVEN MALL: A STATEMENT OF ECONOMIC IMPACT AND THE PUBLIC INTEREST

(Prepared by the New Haven Downtown Council in response to the invitation by the U.S. Army Corps of Engineers to submit written comments after review of the Draft Environmental Impact Statement on the proposed North Haven Mall.)

THE NEW HAVEN DOWNTOWN COUNCIL URGES THE DIVISION ENGINEER TO DENY A 404E PERMIT WHICH WOULD ALLOW THE FILLING OF THE QUINNIPIAC RIVER WETLANDS, MAKING POSSIBLE THE CONSTRUCTION OF THE PROPOSED NORTH HAVEN MALL. IT DOES SO IN THE BELIEF THAT BENEFITS WHICH MAY BE DERIVED BY CITIZENS OF THE SOUTH CENTRAL CONNECTICUT REGION ARE NOT OF SUFFICIENT PUBLIC INTEREST TO OVERCOME THE SIGNIFICANT DETRIMENTAL, ECONOMIC IMPACTS WHICH WOULD RESULT FROM THE MALL'S OPERATIONS IN THIS REGION.

What is the New Haven Downtown Council?

The New Haven Downtown Council was established in February, 1979 by local businesses and private institutions, located in New Haven's center city, to initiate a project-oriented program to achieve significant economic development of this core area of the south central Connecticut region. Our corporate sponsors and underwriters have facilities located in this downtown district and most have branch operations or historically have sold goods and services to citizens and businesses throughout the region. As a result, participants in the work of the Council have a sensitivity to the needs and opportunities which exist among all communities in this area. The opinions and statements expressed in this paper do not represent the opinions or self-interests of any single firm belonging to the Downtown Council, but result from professional evaluation of the Corps' Draft Environmental Impact Statement by the Council's staff.

All operating revenues of the Downtown Council have been derived from private contributions. No funding has been received from the City of New Haven. Over the three years since our inception support has been received from the following firms:

- Ahern Management Company
- Bache Halsey Stuart Shields, Inc.
- The Bank of New Haven
- The H. M. Bullard Company
- Colonial Bancorp, Inc.
- The Conn. Bank & Trust Company
- Connecticut Savings Bank
- Deloitte, Haskins & Sells
- Ernst & Whinney
- First Bank
- Hartford National Bank & Trust Co.
- Joseph Cohn & Son, Inc.
- Knights of Columbus
- Kops-Monahan Communications, Inc.
- The William Hotchkiss Company
- R. H. Macy Properties
- Merrill Lynch Pierce Fenner & Smith, Inc
- Northeast Bancorp, Inc. (Union Trust Co.
- Outlet Department Stores (Malley's)
- Park Plaza Hotel
- The Schiavone Corporation
- The Southern Connecticut Gas Company
- Southern New England Telephone
- United Illuminating Company
- Wardoco, Inc.
- WELI-Radio 960
- WTNH-TV - Channel 8
- Yale Cooperative Corporation
- Yale University

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The programs of the Council have been focused on attracting increased private and public investment in real estate development projects in New Haven's downtown district. Our staff has participated in planning and other activities to facilitate the implementation of projects which will accommodate expanded levels of economic activity covering a wide variety of property uses that make cities like New Haven work most effectively. Those have led to significant new initiatives by property owners and developers to undertake projects downtown. (Attached to this statement as Appendix A is a report on projects which are being undertaken or planned at the present time.) Currently, there are construction projects underway or ready for start this year amounting to over $144,000,000. in estimated total cost.

The creation of the Downtown Council and its continuing operation over the past three years is a demonstration of renewed private sector commitment to the economic vitality of New Haven's center city as a viable core area for this region.

Why is the Downtown Council submitting written comments on the North Haven Mall proposal at this time?

First, we are doing so at the invitation of the U.S. Army Corps of Engineers in response to your Notice of Public Hearing, dated February 1, 1982.

Second, we believe that the public interests which may be served by the North Haven Mall proposal are not sufficient to overcome what we believe will be significant economic detriments if this Mall is granted your permit allowing its construction. The remainder of this statement will articulate our concerns.

Third, we express regrets to the planners and town officials in North Haven and others who represent the Mall's developers, if the Corps is persuaded to deny the 404E permit in part because of this testimony. We are not simply being "negative" in this matter, but state our views in an honest and responsible manner as invited by the Corps. We believe that the economic gains which may flow from this project will largely result in economic loss among other communities in our region.

What do we expect to be the overall economic impacts of the Mall?

We acknowledge that operation of the North Haven Mall will generate new tax revenues to North Haven, will provide new jobs there and may lead to a reduction in the town's tax rate, but we believe these benefits will be offset by detrimental impacts elsewhere.

1. We believe that the sales projections showing overall productivity at the Mall at $105. per square foot ($139. per square foot when converted to 1982 dollars) are very conservative and are far lower than sales projections being forecast by most retail center developers today. We suggest that the Corps of Engineers should compare the Gladstone projections with those figures which the developer has submitted to its lenders, because in order to present a feasible project to financial underwriters with today's money costs we believe productivity should be in excess of $200. per square foot. If there are any discrepancies between anticipated levels of productivity, it would tend to discredit the Gladstone analysis.

2. Even with the $139. (1982 dollars) productivity, the Corps acknowledges that there would be an 8 - 13% reduction in sales at existing retail centers in this region. If the productivity is greater, such as being in excess of $200. per square foot, what would be the impact? We believe the sales loss could exceed 20% in existing centers. It seems essential to us that the Corps determine what the Mall developer's actual sales objectives represent and what this will mean in sales losses elsewhere.

3. In reading the Gladstone impact analysis, we are concerned with their proposition that the sales impact will be generally the same in all existing retail centers in our region. This just isn't correct. Actual impact will result from the present distribution of customers using facilities at different regional locations. For example, we estimate that among downtown stores today between 25% and 40% of sales are generated from customers who reside in northern tier communities within the primary market area of the North Haven Mall. These are the sales which we feel are most vulnerable to North Haven Mall operations. We have learned that a more significant part of downtown New Haven's retail business comes from communities within a very convenient drive time to the proposed Mall site. For this reason, we ask the Corps to be cognizant of sales loss projections, distinguishing between centers within the region.

4. We find the Corps' economic analysis deficient in its failure to determine how many retail stores may actually close in different communities within the region. We are aware that a consultant retained by the City of New Haven has interviewed a random sample of downtown merchants and has concluded that as many as 20% of the stores now located here could close immediately after the Mall's completion. If this is true, the impact of Mall operations will have a serious effect on the City of New Haven's tax base, far greater than the 0.3% drop projected in the D.E.I.S. (IV - 25). We ask the Corps to pay particular attention to the Phillips/Norwalk Company report being submitted by the City of New Haven to be aware of this impact.

5. From the City of New Haven's vantagepoint, significant service demands are placed on this urban community to care for the needs of people who are not able to be self sufficient. These burdens far exceed similar demands placed on other communities in the region. In addition, the City provides municipal services to facilities that are of benefit to citizens throughout the region. These include special resources in transportation, medicine, education, religion and entertainment. The burden of support for providing services to these institutions falls on the taxpayers of New Haven without public support from other area towns and cities. In the fiscal year ended June 30, 1981, only 58% of the City's general operating budget was met by revenues from taxes. It has become imperative for the City to increase this tax base because of cutbacks in funding which are being encountered in transfer payments from other levels of government. With this as background we believe the Corps should be cognizant of its public responsibility to avoid approval of a permit which could lead to any erosion in the City's tax base.

6. We respect the market opportunity that exists in the greater New Haven area, based on the absence now of major enclosed regional shopping centers and the statistics that reflect significant leakage of retail shopping out of this region, but we are concerned with the scale of what is being proposed for the North Haven Mall. We ask why the Corps can even consider accepting a project which will replicate every square foot of gross leasable retail sales area that is now available in downtown New Haven.

7. We are aware that the Corps will receive testimony from department stores which will refer to the ideal marketing strategy for them to have two stores, one to the north and one to the west of New Haven, to maximize penetration into this regional market. This strategy conflicts with this region's need to have new investment take place to attract increased numbers of customers to existing centers where thousands of retail store owners already have made their own investments. At a time of economic uncertainty and scarcity of financial and other resources, we cannot always respond favorably to "ideal" marketing strategies. Downtown New Haven still has highway and public transportation access to its retail facilities which is unmatched by any other community in terms of serving residents from outlying towns to the west, north and east within south central Connecticut, as well as from urban neighborhoods.

What impact will the North Haven Mall have on local retailers?

In the Downtown Council's special role to increase local private investment to further the economic development of this center city, we are particularly proud of initiatives which have been taken by local retailers here. We believe that the Corps of Engineers has neglected entirely the impacts which would be encountered by existing retailers if the proposed North Haven Mall is built. We are particularly concerned about locally-owned retail establishments.

1. If the North Haven Mall is built and there occurs a serious loss of retail sales among existing merchants, this would result in a loss of market share for each affected store. This loss could have serious implications. In this economy most retail operators are surviving on very thin margins of profit. If sales volume is taken away, this could lead to a loss of profitability, which could threaten the very existence of the store. What can the merchant do under these circumstances to protect valuable market penetration? He can consider locating a branch store at the new mall. Now the significant question arises: How can the merchant afford to locate there? There are several options:

   (a) He can invest new capital to underwrite the expenses associated with a store opening, including new fixtures and finishing costs, inventory, staff training and start-up promotional costs. These amounts are significant, particularly at a time of high interest costs, and in most cases may make expansion infeasible for the local small merchant.

(b) He can close an existing store within the region and move merchandise and personnel to the new facility. This decision reduces the new capital required for the North Haven Mall store opening, but the effect of the store closing hurts the community in which he was previously located.

(c) If the merchant perceives the new mall as catering to middle and upper income shoppers, he may adjust the quality mix of merchandise now carried at his existing outlets. The better lines of shoppers goods may be shifted to a North Haven location, leaving lower-priced merchandise at existing stores to serve their captive markets. This would lead to an unfortunate segmentation of markets within the greater New Haven trade area.

All of these options have negative impacts and we ask the Corps to recognize the needs of existing merchants and the hardships which could result from the North Haven Mall if built.

2. If the investment required by tenants at the North Haven Mall is unaffordable or if the rent and other operating charges are too high in comparison to such payments at present locations, a merchant will be precluded from establishing a branch store there. However, this will not keep the Mall's developer from finding national chain stores with similar merchandise from locating there. In this scenario, what is the economic impact to this region of having the profits from such retail operations flowing out of this area? We ask the Corps to recognize our commitment to locally-owned enterprises and the need to further their opportunity to retain profits in this region so that they can be reinvested here.

What will be the North Haven Mall's impact on this area's public need to create new jobs for unemployed citizens?

We recognize that the North Haven Mall, if built, will create new jobs in that community and may in fact create net new jobs within the region. The latter could be contested since inadequate information has been available to the Corps to-date on the number of store closings which might result from this proposed Mall.

If we assume for now that net new jobs will be available, we ask the Corps, when you consider "public interest", what arrangements have been made to train the region's unemployed to prepare them for these jobs and how will such citizens be assured adequate public transportation to these jobs?

It seems to us more responsive to encourage new retail development to occur again in existing centers which are conveniently located to present public transportation routes. The D.E.I.S. points out that there is only one bus route which now serves the Washington Avenue corridor through North Haven, providing only eight round trip busses on week days between New Haven and Wallingford. This is totally inadequate. If this bus service should be increased, is the Corps aware of any provisions or commitments which have been made by the Connecticut Department of Transportation to do so?

In reading the D.E.I.S. we found references to Conn DOT's response to this question as saying increased bus service "may" be possible. That kind of comment should be seen in the context of recent efforts by Conn DOT to cut back on levels of bus service in this region. Last fall representatives of this community had to turn out in large numbers at a public hearing to persuade the State from dropping all Sunday bus service. If expanded bus service is ultimately provided to the North Haven Mall site, will this be at the expense of reduced bus service elsewhere in the region? If so, what will be the residual economic decline at other locations from such actions?

Conclusion

The Downtown Council has tried to give a fair review of the North Haven Mall proposal and in response to the U.S. Army Corps of Engineers invitation to submit written comments at this time we feel it responsible to do so. We respectfully request that Corps officials consider the points we have made and respond to the questions we have raised before the final permit decision is made. We believe that the concerns we and others have expressed are of such significance and will lead to sufficient negative impacts on the greater New Haven area to outweigh the benefits which may accrue from the applicant's proposal. We urge your denial of the requested permit.

F. Ulrich Edwards

Executive Director

FAE:jm

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NEW HAVEN LEGAL ASSISTANCE ASSOCIATION, INC.
399 TEMPLE STREET
NEW HAVEN, CONNECTICUT 06511-9990
TELEPHONE (203) 777-4811

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March 26, 1982

Division Engineer
New England Division
United States Army Corps of Engineers
424 Trapelo Road
Waltham, Mass. 02245

Attention: Robert Adler

Dear Mr. Adler:

This letter is to comment on the Draft Environmental Impact Statement (DEIS) for the North Haven mall in North Haven, Connecticut. New Haven Legal Assistance Association, Inc. (NHLAA) is the only legal services program providing assistance for low and moderate income people within New Haven County with the exception of Meriden residents. On behalf of our clients, many of whom are minority and all of whom are economically disadvantaged, we would like to express our deep concern about the present DEIS for the mall.

In particular, the DEIS is seriously deficient in addressing the concerns of low and moderate income residents of the New Haven area. The mall, duplicating in size the space of all of downtown New Haven is certain to draw off significant amounts of employment and opportunities for low and moderate income people to shop in the New Haven area. The DEIS, however, does not address itself to the increased economic inequalities and racial segregation and discrimination that the construction of the mall will necessarily bring about.

As is noted in the DEIS, New Haven and the region as a whole are suffering from high unemployment and a declining manufacturing base. One of the most significant sources of jobs for New Haven residents is in the retail trades. Since these jobs are frequently filled by young people and those with only high school diplomas, they are a prime job market for low income and minority population who have been economically and educationally disadvantaged for centuries. The

construction of the mall by drawing off New Haven's resources will only further exacerbate the already disproportionately high rate of unemployment among the young and among minorities. This fact, however, is nowhere mentioned or discussed in the DEIS.

The construction of the mall and the drain on the New Haven retail establishments will also severely limit the shopping opportunities for low and moderate income people, many of whom do not have private automobiles. As noted in the DEIS, there is presently only one busline serving the North Haven mall area. While it might be possible with a sudden infusion of public funds to increase the number of available buses for the North Haven mall, such an infusion is extremely unlikely given the present economic and political climate. Thus even if bus service were to be significantly expanded in order to provide enough services for the mall, this increase in bus service would only come at the expense of our metropolitan area which is already severely pressed by lack of adequate public transportation.

New Haven is the hub of the public transportation system. Conceivably, increased service from New Haven to the mall might make the mall accessible for those people who live in the central core of the city. Anyone familiar, however, with New Haven's population distribution would realize that there are very few low and moderate income people living in the center of the town. Almost all of New Haven's poor have to come into New Haven from one of the neighborhoods or outlying communities and there would have to transfer to get the North Haven line. Increased service to North Haven would only make it that much more difficult for the poor people to get to the first stop of the North Haven transit system.

These transportation difficulties affect both employment and retail opportunities. In the past, we have observed that many of our low and moderate income people have extreme difficulty getting even to Pratt and Whitney located in North Haven. Despite the large number of people working there, there has never been decent public transportation particularly for people working odd shifts. This would also be true of employees at the North Haven Mall. In short, the North Haven mall would provide a boom in employment for residents of North Haven and nowhere else at least insofar

as low and moderate income people are concerned. The construction of the mall would further the economic and racial divisions in the region, keeping poor people poor, unemployed and economically disadvantaged.

The failure of the DEIS to adequately address these concerns is an extremely serious flaw. There is adequate information in HUD's community impact study attached as Appendix R to demonstrate the seriousness of these concerns. Despite this information, the Corps DEIS is silent on this issue. We would ask and insist that these matters be addressed at length in the final Environmental Impact Statement in order to bring this into conformity with controlling federal law and regulations.

Finally, I must note that despite the profound impact that building the mall would have on our client community, our clients have been excluded from the planning and review process. The fact that the hearings on the DEIS were held only in North Haven is an example of this. On behalf of our clients, we request that hearings be held in New Haven so that affected people who do not have access to an automobile can comment. In addition, we request an additional thirty days to submit more detailed comments.

Sincerely,

Robert F. Echols (MOS)

Robert F. Echols
Attorney at Law

Michael O. Sheehan

Michael O. Sheehan
Attorney at Law

RFE/MOS/msb/2/5

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North Haven Congregational Church

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North Haven, Connecticut 06473

Telephone 239-5691

RICHARD C. DIEHL, Minister

March 17, 1982

Colonel C. E. Edgar
United States Army Corps of Engineers
424 Trapelo Rd.
Waltham, Massachusetts 02154

Dear Colonel Edgar:

There are many arguments for and against the proposed Mall in North Haven. You undoubtedly have heard strong arguments from both sides. I have hesitated in expressing my views forcefully because of my basic loyalty to the Town and because I lack the technical and engineering skills necessary in making adequate assessments on many of the documents prepared by you. However, as one who serves a large constituency of residents, I feel it incumbent to express my own personal views.

In former correspondence with the Army Corps of Engineers, I stayed basically with the issue of flooding and would hold this as one of my primary concerns. One has a difficult time appreciating the threat of flooding until that reality becomes a personal experience. I had that experience during a torrential downpour when the river threatened one of my parishioners and I was sandbagging her backyard to help dam the encroaching rising water. The power of the river swept away the sandbags and I was nearly pulled under by them. I will never forget the hurt, anxiety, and the bewilderment of residents along the river basin during that flood.

I choose now to address another impact. It is not one easily weighed by empirical data. It rests more in the realm of ethics and morality.

I oppose the Mall because of the greater disadvantages than the one advantage that I see proposed. The advantage, of course, is a suggested one that the Town of North Haven will benefit economically. I even have questions about that panacea. There are many disadvantages, but the one that weighs heavily upon the residents of North Haven is a sociological change that is bound to take place in terms of our safety and well-being. The ecological stability will be threatened and there will be a certain cultural decaying process. Rising commerce suggests to us that the American way of life is always upward

and better when the truth is that the best things in life are free--such as, clear air and pure water and human love and acceptance and freedom from all encumbrances. Most citizens are willing to pay the necessary tax in order to assure these greater gifts. The economic promises of low tax rates is not a fair trade-off for these other life essentials.

I suspect also that the land in question could be more useful to the Town than a collosal shopping area and I ardently disagree with the findings of the Army Corps of Engineers on alternative uses. I find little imagination and vision in terms of this open space and I oppose the Mall on the basis of shortsightedness. Once the Mall is built, it is built and it will change the entire life and structure of the North Haven community.

I value a community life built around education, spiritual nurture, safety, responsibility to our environment (stewardship), and the community life that the Town can provide. These moral values stand far above purchasing convenience and false promises of future tax savings.

I have been amazed at the number of times the words "assume" or "assumption" were used in your reports. No one really knows what is going to happen to our national economy or world situation and it is incumbent upon any responsible leader to see that unnecessary risk not be taken that would make any changes detrimental to the life of any community.

Sincerely,

Rev. Richard C. Diehl

Richard C. Diehl

RCD:jt

PO-24

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Statement of Norris C. Andrews
Regarding the Draft Environmental Impact Statement
Section 404 (b) (1) Review
at the Public Hearing Conducted by the US Army Engineers
March 16, 1982

My name is Norris C. Andrews. I am the Executive Director of the Regional Planning Agency of South Central Connecticut.

In one capacity or another my professional planning experience, beginning in 1946, has been devoted exclusively to planning for the cities and towns in this region.

I appear before you tonight not as a spokesman for the Regional Planning Agency but in another professional capacity as the Key Census Tract Person for the New Haven-West Haven Standard Metropolitan Area. For the past 35 years I have been working on demographic studies and population forcasts for the SMSA and for the region, and over that period of time tremendous change has occurred in both the composition and distribution of population.

At your request I reviewed the Technical Memorandum entitled Economic and Land Use Impacts prepared by the Gladstone Associates, January, 1981. On October 15, 1981 I provided the Corps with five tables which update the population tables prepared by Gladstone which were based on estimates prior to the release of the 1980 Census.

I find that in the final draft of the EIS dated February, 1981, no effort was made to use these most recent figures. I am sure that the Consultants felt that the Census count and the projections to the year 1990 based on the final 1980 figures prepared by me would have neglible af-

fect on their findings. I believe that the Corps should have directed the Consultant to provide the most recent and official population count because of the critical role such numbers perform in estimating the availability of shopper dollars. As a result, I question many of the Consultant's assumptions on future growth.

I also prepared a table based on a projected population in 1990 which I believe reflects more accurately the population of the region. This table is based on the premise that a significant number of persons housed in group quarters should not be considered in determining the purchasing power in the trade area. As an example, approximately 5000 persons living in group quarters in New Haven are within a quarter mile of a wide range of goods at the Yale Co-Op. Is it logical to include this number representing two to three million dollars of GAF purchasing power? And what about those in hospitals, convalescent homes, jails, etc? I submit that there is logic in this position which would significantly change the final report.

The Tables have been appended to this statement, and I request that they be included in the record of this hearing.

TABLE I

The 1977 estimate prepared by Gladstone was based on estimates of 1980 population. When 1977 is corrected using 1980 final count as a basis, many towns show a difference which totals, for the market area, 7,384 less persons.

The Gladstone projections for 1990 and 2000 were based on projections prepared statewide by the Office of Policy and Management and the State Department of Health. Unfortunately, these projections were based on an estimated 1980 population prepared before the release of the preliminary count. These forecasts are considerably higher than the most recent projections circulated to the region for comment in July, 1981. On a regional basis, the population forecasts for the year 2000 shows a loss of almost 20,000 persons from the estimate used by Gladstone.

The final column in Table I is based on the most recent projections and is in substantial agreement with the State.

TABLE II

This table depicts the Gladstone estimate of purchasing power (population times income) and GAF estimate based on 13.5% of purchasing power. When this is compared to the revised 1977 population estimate and minor adjustments in per capita income, there is a difference of approximately $12 million in the GAF column.

The slight difference in income cannot be explained. The average is close in both, but significant variations by town exist.

TABLE III

Dollars available for shopper goods sales are compared for 1990 and a 0% income growth. This provides for a revised base line estimate. No attempt has been made to develop comparable information for 2000.

As in Table II, there is a considerable difference in the dollars available. In fact the margin is increasing and is now $21 million or the equivalent of the GAF sales for the town of North Haven.

TABLE IV

This table is based on an assumption that total population is not a true indication of total purchasing power. There are many persons who are not in a position to purchase goods--the elderly in nursing homes and hospitals, in prison, and those in educational institutions who probably would not go to a major shopping center.

The towns in the trade area show a total of 16,800 persons in group quarters, or about 3% of the population. I have adjusted this number by town based on the characteristic of group quarters in each town. For the year 1990 the difference with Gladstone's 1990 estimate is 43,000 persons.

TABLE V

Gladstone bases available income for GAF sales on 13.5% of purchasing power. This percentage is based on sales in Connecticut, Massachusetts and Rhode Island in 1977. For the same year the State of Connecticut percentage was 12.6%.

One could question Gladstone methodology--obviously the desire is to make the numbers as high as possible, thus the larger region. However, one could assume, based on shopper trends as well as the continued erosion of available dollars because of the increased rate of inflation in non-shopper goods, that the percent available would decrease.

Thus, Table V is based on two assumptions. First, not all the population will be in the market, and second, events since 1977 have eroded the dollars available for shopper goods.

As you can see I have based my work on only the most recent statistics plus the projection to the year 1990 for the population. My only defense in using revised projections is based only on the fact that I have been projecting population in this region since 1950 and my track record over those 30 years is pretty good. And, I consider my expertise to be solely in this field.

If the revised purchasing power for 1977 and 1990 for shoppers goods only is compared with Gladstone, very significant differences appear. For example, the table on page 195 would be modified thus:

Shopper Goods Sales	374,813	
Sales Retention	285,627	
Sales Inflow	89,186	
Metro Consumer Exp.	335,605	(Table II)
Sales Retention	285,627	
Sales Outflow	49,978	
Net Inflow	39,208	(As opposed to Gladstone 28,608)

The table on page 198 also shows when projected to 1990 only the following:

SMSA Shopper Goods Sales	368.3	(and I dispute this number)
Sales Retention	290.2	(also)
Sales Inflow	78.1	
SMSA Purchasing Power	347.2	(Table III)
Sales Retention	290.2	
Sales Outflow	57.0	
Net Inflow (78.1 - 57.0)	21.1	(Instead of Gladstone 7.7)

These are baseline conditions which I interpret to mean that existing retail space with no addition will generate $21 million GAF sales inflow in 1990. And the only way Gladstone can justify the projected 85 million GAF in the Mall is by transfer sales and recapture of leakage. In their analysis they make major assumptions but based only on existing conditions. One might speculate that the Crystal Mall in Waterford, the Stamford Downtown Mall to open in 1982, the projected mall in South Windsor, and even the mall proposed for the Danbury Fairgrounds may well affect Gladstone's assumptions.

TABLE I. POPULATION REVISED AND COMPARED

TOWN	1977 GLADSTONE	1977 REVISED	1980 GLADSTONE	1980 REVISED	1990 GLADSTONE	1990 REVISED	2000 GLADSTONE	2000 REVISED
North Haven	23,388	22,100	24,960	22,080	24,480	22,200	25,150	22,270
New Haven	131,376	127,500	130,000	126,108	130,000	126,110	135,000	128,160
Wallingford	36,349	36,850	38,000	37,278	40,500	39,770	42,500	41,770
Hamden	50,283	50,500	50,700	51,071	51,300	51,670	51,600	51,950
North Branford	11,600	11,300	11,950	11,554	12,350	11,950	13,100	12,500
East Haven	24,710	25,000	24,550	25,028	24,950	25,430	25,250	25,250
Bethany	4,381	4,150	4,500	4,330	4,800	4,630	5,070	4,850
Woodbridge	8,475	7,725	8,600	7,761	8,800	7,960	8,950	8,110
Orange	14,686	13,350	14,200	13,237	14,000	13,040	15,000	13,150
West Haven	53,912	53,100	53,850	53,188	54,800	54,130	56,000	55,250
Branford	21,803	22,750	22,470	23,363	23,390	24,280	24,050	24,940
Guilford	15,227	16,400	16,750	17,375	18,250	18,880	20,100	20,700
Madison	12,915	13,250	14,150	14,030	15,600	15,650	17,150	17,100
Clinton	11,062	10,850	11,420	11,195	12,260	12,020	12,960	12,740
Sub Total	420,167	414,825	426,100	417,598	435,480	427,720	451,880	438,740
Durham	5,130	4,900	5,430	5,143	6,110	5,420	6,500	5,850
Middlefield	4,250	3,400	4,300	3,796	4,700	4,100	4,820	4,320
Meriden	56,700	56,750	57,350	57,118	58,250	57,650	59,100	58,400
Cheshire	21,862	20,950	23,000	21,788	26,000	23,400	28,000	24,790
Sub Total	87,942	86,000	90,080	87,845	95,060	90,570	98,420	93,360
Total Area	508,109	500,825	516,180	505,443	530,540	518,290	550,300	532,100

TABLE II. 1977 PURCHASING POWER - GLADSTONE COMPARED TO REVISED POPULATION AND INCOME

TOWN	GLADSTONE POPULATION	GLADSTONE INCOME	GLADSTONE PURCHASING POWER	GLADSTONE GAF	REVISED POPULATION	REVISED INCOME	REVISED PURCHASING POWER	REVISED GAF
North Haven	23,388	6,833	159,810	21,574	22,100	6,737	148,888	20,100
New Haven	131,376	5,249	689,593	93,095	127,500	5,032	641,580	86,613
Wallingford	36,349	5,951	216,313	29,202	36,850	6,058	223,237	30,137
Hamden	50,283	6,558	329,756	44,517	50,500	6,368	321,584	43,414
North Branford	11,600	5,671	65,784	8,880	11,300	5,727	64,715	8,737
East Haven	24,710	5,252	129,777	17,520	25,000	5,151	128,775	17,385
Bethany	4,381	7,740	33,909	4,578	4,150	7,638	31,698	4,279
Woodbridge	8,475	11,200	94,920	12,814	7,725	11,284	87,169	11,768
Orange	14,686	8,497	124,787	16,846	13,350	8,494	113,395	15,308
West Haven	53,912	5,602	302,015	40,772	53,100	5,554	294,917	39,814
Branford	21,803	6,998	152,577	20,598	22,750	6,907	157,134	21,213
Guilford	15,227	7,039	107,183	14,470	16,400	7,070	115,948	15,653
Madison	12,915	7,199	92,975	12,552	13,250	7,107	94,168	12,713
Clinton	11,062	5,850	64,127	8,736	10,850	5,783	62,746	8,471
Sub Total				346,154				335,605
Durham	5,130	6,023	30,898	4,171	4,900	6,070	29,743	4,015
Middlefield	4,250	6,058	25,747	3,476	3,400	6,193	21,056	2,843
Meriden	56,700	5,631	319,278	43,102	56,750	5,596	317,573	42,872
Cheshire	21,862	6,720	146,913	19,833	20,950	6,805	142,565	19,246
Sub Total				70,582				68,976
Total Area GAF				416,736				404,581

TABLE III. 1990 GAF - 0% INCOME GROWTH

TOWN	GLADSTONE POPULATION	GLADSTONE INCOME	GLADSTONE PURCHASING POWER	GLADSTONE GAF	REVISED POPULATION	REVISED INCOME	REVISED PURCHASING POWER	REVISED GAF
North Haven	24,480	6,883	167,272	22,582	22,200	6,737	149,561	20,191
New Haven	130,000	5,249	682,370	92,120	126,110	5,032	634,586	85,669
Wallingford	40,500	5,951	241,016	32,537	39,770	6,058	240,927	32,525
Hamden	51,300	6,558	336,425	45,417	51,670	6,368	329,035	44,420
North Branford	12,250	5,671	70,037	9,455	11,950	5,727	68,438	9,239
East Haven	24,950	5,252	131,037	17,690	25,430	5,151	130,990	17,684
Bethany	4,800	7,740	37,152	5,054	4,630	7,638	35,364	4,774
Woodbridge	8,800	11,200	98,560	13,306	7,960	11,284	89,821	12,126
Orange	14,600	8,497	124,056	16,754	13,040	8,494	110,762	14,953
West Haven	54,800	5,602	306,990	41,444	54,130	5,554	300,638	40,586
Branford	23,390	6,998	163,683	22,097	24,280	6,907	167,702	22,640
Guilford	18,250	7,039	128,462	17,370	18,880	7,070	133,482	18,020
Madison	15,600	7,199	112,304	15,211	15,650	7,107	111,225	15,015
Clinton	12,260	5,850	71,721	9,599	12,020	5,783	69,512	9,384
Sub Total	436,080			360,636				347,226
Durham	6,110	6,023	36,801	5,541	5,420	6,070	32,899	4,441
Middlefield	4,700	6,058	28,473	4,122	4,100	6,193	25,391	3,428
Meriden	58,250	5,631	328,006	45,187	57,650	5,596	322,609	43,552
Cheshire	26,000	6,720	174,720	26,285	23,400	6,805	159,237	21,497
Sub Total	95,060			81,135				72,918
TOTAL	531,140			441,770				420,144

TABLE IV. ADJUSTED POPULATION - 1980-1990 - POPULATION IN GROUP QUARTERS.

TOWN	1980 CENSUS FINAL COUNT	1980 POPULATION IN GROUP QUARTERS	ADJUSTED POPULATION	1990 ESTIMATE OF POPULATION	1990 ESTIMATED IN GROUP QUARTERS	ADJUSTED POPULATION
North Haven	22,080	73	22,007	22,200	150	22,050
New Haven	126,108	10,069	121,215	126,110	11,200	120,510
Wallingford	37,278	927	36,814	39,770	1,250	39,145
Hamden	51,071	1,980	50,081	51,670	2,240	50,550
North Branford	11,554	0	11,554	11,950	50	11,900
East Haven	25,028	165	24,863	25,430	195	25,235
Bethany	4,330	0	4,330	4,630	0	4,630
Woodbridge	7,761	0	7,761	7,960	0	7,960
Orange	13,237	84	13,153	13,010	100	12,940
West Haven	53,188	1,140	52,614	54,130	1,350	53,455
Branford	23,363	55	23,308	24,280	165	24,125
Guilford	17,375	146	17,229	18,880	175	18,705
Madison	14,030	76	13,955	15,650	200	15,450
Clinton	11,195	38	11,157	12,020	45	11,195
Sub Total	417,598	14,753	410,041	427,720	17,120	417,850
Durham	5,143	166	4,977	5,420	197	5,223
Middlefield	3,796	0	3,796	4,100	0	4,100
Meriden	57,118	883	56,677	57,650	1,046	57,127
Cheshire	21,778	1,006	21,285	23,400	1,025	22,887
Sub Total	87,845	2,055	86,735	90,570	2,268	89,337
TOTAL	505,443	16,808	496,776	518,290	19,388	507,187

TABLE V. GAF AT 12.5% - ADJUSTED POPULATION AND INCOME - 1990

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TOWN	ADJUSTED POPULATION	ADJUSTED INCOME	PURCHASING POWER	GAF
North Haven	22,050	7,411	163,413	20,427
New Haven	120,510	4,782	576,279	72,035
Wallingford	39,145	6,361	249,001	31,125
Hamden	50,550	6,687	338,028	42,254
North Branford	11,900	5,341	63,558	7,945
East Haven	25,235	4,944	124,762	15,595
Bethany	4,630	9,066	41,976	5,247
Woodbridge	7,960	16,926	134,731	16,841
Orange	12,940	11,042	142,893	17,862
West Haven	53,455	5,326	284,701	35,588
Branford	24,125	7,943	191,635	23,954
Guilford	18,705	8,484	158,693	19,837
Madison	15,450	9,531	147,254	18,407
Clinton	11,195	5,894	65,983	8,248
Sub Total	417,850		2,682,907	335,365
Durham	5,223	6,784	35,433	4,429
Middlefield	4,100	6,922	28,380	3,548
Meriden	57,127	5,316	303,687	37,961
Cheshire	22,887	8,066	184,607	23,076
Sub Total	89,337		552,107	69,014
TOTAL	507,187		3,235,014	404,379

To the Army Corps of Engineers: ADDITIONAL TESTIMONY OF STOP-THE-MALL: To be included in the record of the hearing of 15 MARCH 1982 re the North Haven Mall. (Testimony of Nancy Cavadini on behalf of STOP THE MALL/CCAG)

Stop the Mall/CCAG emphatically rejects the position that the proposed NORTH HAVEN MALL is the best possible use of the site in question.

It may be true, as summarized in Table 4 of the DEIS, that no other alternate site would satisfy the need for increased retail activity in the region (granting that there even is a need conforming to the developer's description). This does not mean that the Mall is the best possible use for this piece of property in NORTH HAVEN.

The DEIS claims, "Mall operations would create a net addition of 1250 to 1400 permanent jobs." (DEIS Summary) We ask--what kind of jobs? Not the highly desirable, often unionized, jobs associated with industrial development and capable of supporting families, but rather the traditional low grade (average salary $6800 per annum--obtained by dividing $9.5 million by 1400, dollars per year by no. of jobs, figures from DEIS summary) clerk and attendant type jobs associated with retail development. We cannot envision many primary breadwinners rushing to apply for jobs such as these.

The DEIS claims that operation of the mall "would result in long-term secondary economic benefits of between $20 to $24 million annually." (Summary) We ask--assuming what economic conditions? Retail operations may bring money to the region but they do not create money. The retail process is itself dependent upon the amount of money being created in the first place. Retail revenue is a dependent source of revenue, not an independent one. We say, let us truly develop the economic fibre of North Haven by using this land for production-oriented, i.e., industrial, development. Let us make North Haven a center of independence, of money production, not of economic dependence upon other levels of the economy, elsewhere. This would also be in keeping with President Reagan's plans for reindustrializing the country (and, by the way, retail development is against the spirit of his anti-inflationary programs, which are oriented to saving money, not spending it). Explicit national priorities such as these are not even mentioned in the DEIS.

Table 4 of the DEIS summarizes the position that industrial development of the site is not likely due primarily to competition from other sites, two of which are in North Haven. We say--firstly, North Haven has always been a very strong competitor for this type of development: there is no reason at all to assume the contrary for the future, especially since this particular piece of land does have, by the developer's own admission, a highly strategic location,

and in addition enjoys the low mill rate of North Haven in general. Secondly, even granting that for the present there would be difficulty in attracting an industrial park development to this land, it is not necessarily a disadvantage that, of three possible sites, two be developed together and one lie for a time quiescent as a potential for future development, over the long run. Why waste this potential on an instant bonanza that may be exhausted in 25 years, and that is, in any event, parasitic on the state of the economy in general and not a primary contributor to it? Over the long run, as developable land becomes a premium, and as we as a Town will want to continue to grow, we will not want to feel completely boxed in by earlier committments, or to have to begin by tearing down the empty shell of what had been a spurious economic miracle.

Submitted by
NANCY CAVADINI
14 STATE ST
NORTH HAVEN CT 06473
for STOP-THE-MALL

Nancy Cavadini

PO-26

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Yale School of Organization and Management

Box 1A New Haven Connecticut 06520

March 12, 1982

Mr. C. E. Edgar III
U. S. Army Corps of Engineers, NEO
424 Trapelo Road
Waltham, Massachusetts 02154

Dear Mr. Edgar:

As a long-time scholar and teacher at Yale in the field of urban affairs and public policy, I am writing to express my concerns about and objections to the reports being submitted for the EIS with respect to the proposed North Haven Mall. My hope is that the Army Corps will pay very careful attention to the arguments being made against the North Haven Mall.

Let me state my general views on New Haven and the Mall first and then proceed to a number of more specific points about the Army Corps' responsibility to attend to "public interest" considerations in deciding whether or not to grant approval to plans for the Mall.

Put simply, I believe that New Haven has been working industriously and creatively to maintain and improve its social and economic base through various economic development strategies and that the Mall constitutes a massive threat to the City's well-being and to the well-being of the metropolitan area of which New Haven is the historical and present center. Second, I am greatly dismayed by the character and analytical quality of the arguments put forward on behalf of the Mall. I take it that the burden of proof is on the developers to show that their proposed Mall is in the public interest. For reasons given below, I believe that that case has in no way been made satisfactorily or even credibly and that the process of deliberation by which the merits and demerits of the Mall are being considered are greatly inadequate. In sum, I believe that the Army Corps faces a decision of the utmost gravity for the future of the New Haven area and that it would be a travesty to sound metropolitan planning and a major blow to the public interest of the broader New Haven metropolitan community if the Mall were to be built.

These comments are of a general character. Let me make my concerns and criticisms more concrete. My concerns involve matters of <u>process</u> and <u>substance</u>, both of which under law should be of clear relevance to the Army Corps in its deliberations.

Issues of Process

1. I find it troubling that the Corps seems to have largely delegated the analysis of the Mall's merits to the consultant for the developers. This seems a prima facie violation of the Corps' requirement to provide due process to the opposed parties in the dispute.

2. It appears to me that the consultants for the Mall have totally failed to perform one essential phase of analysis: a consideration of alternative proposals to the Mall such that the Army Corps and the public would have some reasonable basis for evaluating the merits of the case. This, in my view, is a second grave procedural defect in the present deliberations.

Issues of Substance

1. The factual evidence related to how the proposed Mall would affect retail shopping in New Haven and the region is at best uncertain and at worst lacking, in my professional view, any minimum level of statistical credibility. We are confronted with conflicting estimates of the proposed Mall's impact; indeed there are serious conflicts of facts and estimates even within the consultant's own report. I do not believe that any reputable social scientist would say at present that adequate evidence has been presented to justify a determination that the benefits of the Mall outweigh its costs.

2. In the absence of any analysis of alternative proposals, no professional social scientist or urban scholar could possibly offer a valid benefit-cost appraisal of the Mall. Analysis of such alternatives has at present not been performed. For this reason too, I conclude that the burden of proof on those who would develop the Mall has plainly not been met.

3. The existing benefit-cost analysis seems to me to be constructed in an overly narrow way. Specifically, I feel that the imagined needs of retail shoppers, in general, are an insufficient test of public need. I would urge the Corps to consider, in particular, the interests of elderly, low-income, and minority shoppers whose retail needs are presently met most directly by New Haven's CBD and who would be most adversely affected by a decline in the City's retail base.

4. I also believe, in terms of the public interest criterion of judgment, that any assessment of "unmet public needs" must also take into account the status and future of existing public needs already being served in the New Haven metropolitan area. For there is no apparent reason to me, on the face of it, to weigh the satisfaction of some imagined unmet public need more heavily than the satisfaction of existing public needs. Indeed, given an uncertain economic future and the inherent vagary of an assessment of "unmet public" needs, I would think that the protection of present public need should be of primary importance to the Corps. On this point, any proposal for retail development that undermines the capacity of New Haven to meet the existing needs of its people and those in surrounding areas would strike me plainly as being against the public interest, as we can best

apply that standard today. There is a fundamental equity issue here also, for any damage in New Haven's retail base would likely have serious adverse effect on the poor and elderly.

5. More broadly still, I do not see how one can make any sense of the public interest issues involved in the Mall proposal without considering the political, social, and economic needs of the New Haven metropolitan area as a whole. Now as before, New Haven is the nerve center and service center of that metropolitan community and provides a wide range of "public goods" to the larger area that any decline in New Haven's service-providing capacity would adversely affect. To underscore this point, the public needs not only of New Haven but also of the larger metropolitan area are, in my view, at stake in the Mall decision and any damage to the central nervous system, the CBD, must be considered as carrying with it substantial costs to the broader metropolitan area. Obviously too, any direct damage to the socio-economic fabric of the City of New Haven would constitute an injury to the largest "public" or "community", whatever phrase you prefer, in the area, and I believe this argument should count heavily in any attempt to evaluate the impact of the Mall in terms of the larger public interest.

The alternative to the above line of reasoning is to view New Haven as properly the provider of free goods, indeed as somehow a free good itself as the centerpiece of the area and that image seems in common sense to be highly mistaken. If indeed we viewed New Haven now or in the immediate future to be just one of a score of relatively equal size, competing jurisdictions in the area, then I would view the matter very differently. But plainly New Haven is <u>not</u> just another suburban town competing with another town for retail sales. It is the primary producer and provider of goods and services in the area and to deny this elemental fact is to do injury to all that we know in urban studies about the dynamics of development and deterioration in urban and metropolitan areas.

I have written these observations in a short space of time to permit their inclusion in your preliminary comments on the EIS. I would be pleased to give these arguments further elaboration if that would be useful in your pending deliberations. I attach a copy of my curriculum vita to substantiate my professional experience in urban government and in scholarly research related to urban affairs.

Sincerely,

Douglas Yates c.m.

Douglas T. Yates, Jr.
Associate Professor of
Management and Political Science

DTY:ma
encl.

PO-27

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Yale University

INSTITUTION FOR SOCIAL AND POLICY STUDIES
P.O. Box 16A Yale Station (111 Prospect Street)
New Haven, Connecticut 06520

CHARLES E. LINDBLOM
Professor of Economics and Political Science
(203) 436-0098

March 24, 1982

Mr. Robert Adler, NEDPL-IP
Department of the Army
New England Division
Corps of Engineers
424 Trapelo Road
Waltham, Massachusetts 02254

Dear Mr. Adler:

At the hearing in North Haven last week on the proposed mall I noted the presiding officer's point that redundancy during the evening was of no value and that the members of the Engineer's group wanted information and ideas, not repetition of sentiments. But I also noted that the presiding officer was too heavily occupied with time keeping to give close attention to what was being said. And no one on the platform was sufficiently interested in what was being said to bother to pursue many points with much sustained questioning. On the evidence, I would infer that the public hearing was, as is often the case, no more than a formality and that you do not take it seriously. That is regrettable. The absence of evidence of serious concern puts the Corps in a bad light.

The hearing aside, the more serious problem is that your environmental impact statement reads roughly as a summary of the main points made in each appendix. Each appendix was prepared by persons engaged to do so by the mall developers. So your EI statement is, roughly speaking, a document written by agents of the developers. Such a procedure is indefensible and is evidence that the Corps has not discharged its responsibility. Mayor DiLieto even suggested that your default might be legally actionable.

The Corps might make the defense that it had no studies to go on other than the developer's. To that defense there are at least two objections.

The first is that one would in that case expect the Corps to take account in its EI statement that its documentary resources were all provided by the developer, to indicate reasonable skepticism about their sufficiency, to point out soft spots, to identify issues on which the Corps needed additional data, etc. Instead the Corps seems supine in its acceptance of the developer's studies and without any judgement, mind, or reasonable skepticism of its own. And if that is so, the Corps is, again, defaulting on its responsibilities. One can ask why bother at all with a Corps statement?

The second objection is that, if all your studies have been coming from one source, clearly you ought to arrange for--and finance--others. You have some financial resources, at least for your own internal studies, of which there is no evidence in your EI statement.

The Corps might, of course, take the position that it will now--after the hearing--get busy on alternative estimates. That is quite inadequate. Those of us concerned about the issues have needed for some time responses from the Corps about what it sees as the big unknowns, the big controversies, the big issues. That would have provided a basis for intelligent participation in the hearing and for making submissions to you. We have needed something other than your bland offer of developer's estimates as your own.

These objections that I am raising--like some raised in my earlier letter to you--are what might be called due-process points. They ask that you do your job, that you do not mindlessly accept whatever the developer's studies tell you, that you give us evidence of some serious scrutiny of the issues. These objections do not say that the developer's studies are wrong on any points. They simply say that whether they are or are not you do not seem to have bothered to ask. A most extraordinary default.

In addition to these due-process objections to your procedures, let me now go on to add that, though I do not have the resources to make studies of my own to rival the developer's studies, any thoughtful reader of them has to be incredulous in the face of the repeated claim that so vast a shopping center (compare it to downtown New Haven shopping floor space) can be located in an area with so small an impact on that area. In traffic, noise, congestion, need for police and fire services, we are asked by the developer's documents to believe that this great mall can pass almost unnoticed in North Haven. It is not believable, any more so than if we were told that closing down New Haven's central district would make no impact on New Haven. If the mall succeeds financially, it is because people come to it in great numbers. That means cars and traffic, and problems of law and order. It is like putting a small town down in the middle of North Haven. The impacts are difficult to measure, but that there will be great impacts is certain.

The attempt to minimize impact in the existing studies discredits their authors. The Corps will be discredited if it treats the estimates seriously. If you decide for the mall, you cannot creditably do so by minimizing estimated impact. Instead you must acknowledge great adverse impacts and try to make the case that the mall is worth it anyway. But that will take some sustained analysis, which you have not yet done.

As you know, the historical and social science literature on the Army Engineers records, along with the Corps' accomplishments, some deplorable lapses, as in some flood control and river projects. So far as I can tell from your EI statement, you stand at the edge of a lapse that you can avoid only by declaring your independence from the developer's studies and showing some evidence of your own thinking.

Sincerely,

Charles E Lindblom

PO-28

Yale University New Haven, Connecticut 06520

INSTITUTION FOR SOCIAL AND POLICY STUDIES
P.O. Box 16A Yale Station (111 Prospect Street)

March 26, 1982

Mr. Robert E. Adler
U.S. Army Corps of Engineers, NED
424 Trapelo Road
Waltham, Massachusetts 02254

Dear Mr. Adler,

As a teacher and researcher in the area of policy analysis, as well as a resident of North Haven, I have a twofold interest in the proposed North Haven Mall. I have devoted some study and thought to the Draft Environmental Impact Statement and its associated Appendix L, "Economics and Land Use," prepared by Gladstone Associates for Mall Properties, Inc. Hopefully, the following comments will prove useful to you in your decision regarding a permit for the project.

Although I have serious concerns about the mall in the areas of traffic effects, environmental issues, and changes in the character of the North Haven community, I won't discuss these problems in detail. However, such matters do set the context for economic analysis. A project creating uncertain but clearly sizable disruptions in North Haven and surrounding areas should not proceed without a convincing demonstration that its economic benefits are correspondingly large, and relatively certain. After examining the Gladstone report, I have doubts on both counts. My initial comments concern the general approach used in the report. Subsequently, I will list some specific questions regarding the economic merits of the proposal, which should be answered before any final decision is made on a permit.

General Comments

A. Treatment of gross benefits as net benefits.

Repeated references are made to a "currently unmet public need for retailing services." Given anticipated low rates of population growth in the New Haven SMSA, and small rates of growth in real per capita income over the next decade, the source of this need is hard to see. In particular, even if the mall's profitability were assured, the public 'need' for the mall cannot be well measured by its expected revenues, or indeed by its profitability.

The latter approach gives insufficient weight to the possibility of meeting future demands for shoppers' goods from alternative outlets, existing or anticipated. Only a slight difference in convenience or diversity of products might be enough to divert customers away from other outlets and make the mall highly profitable, but the economic benefits to the public of having the mall could still be slim. Similarly, the Gladstone report treats construction of the mall as an "incremental supply" of retail floor space, with 817,000 s.f. of the mall devoted to shoppers' goods (p. 1 of Appendix L). Elsewhere in the same report, up to 311,000 s.f. of floor space are projected to be lost in the New Haven SMSA (p. 92). Given the low degree of overall economic growth forecast, and the emphasis on diverting sales from non-SMSA retailers, it is reasonable to suppose that a large amount of retail floor space may also be closed down outside the SMSA. The true incremental supply of floor space attributable to the mall then appears rather minimal.

A large increase in demand for shoppers' goods might well justify construction of new floor space, and a reasonable case could be made for this construction to occur in North Haven, rather than some other location. However, if the effect of the mall is largely to displace existing retailers both in and out of the SMSA, the case is far less convincing, particularly if the value of existing retail facilities in other uses is low.

True incremental benefits from the mall to consumers could include increased shopping convenience in the form of reduced travel time; an enhanced range of products; and perhaps greater price competition among area merchants. Against these must be set costs which would not be incurred in the absence of the mall. Prominent among these is the burden of adjusting to new market conditions, which the mall will impose on merchants whose businesses may close and workers who will be laid off. I don't know the magnitude of these costs, but they are given far less attention in the Gladstone report than are projections of mall revenue. Since much of the mall's revenue will originate from transfers of business, rather than by accomodating a genuine increment in regional demand, serious, detailed attention to adjustment costs is in order.

B. Arbitrary boundary assumptions.

The Gladstone study stresses the concept of "sales leakage." The impact of the mall is assessed through its impact on the New Haven SMSA alone, and leakage is defined relative to this geographic area. Any attraction of sales into the SMSA by the mall is considered 'good', while purchases by SMSA residents in other areas are considered 'bad'.

This formulation is wholly arbitrary. If the relevant unit for analysis were the state of Connecticut, many of the seeming "benefits" of the mall would become mere transfers, similar to transfers of business between Hamden and North Haven. Alternatively, if the analysis were restricted to effects on the city of New Haven, the mall would create enormous "sales leakage" from New Haven to North Haven.

Representatives of local governments properly and understandably regard their own cities as the relevant units for impact analysis. However, the Army Corps of Engineers should rightfully take a broader view. The only boundaries for analysis which are not arbitrary are ones which include all citizens affected by the mall. From this standpoint, disruptions imposed on persons outside the SMSA are just as deserving of study as disruptions and transfers within the SMSA. However, "reversing sales leakage" (actually in 1977, there was a net inflow to the SMSA of $28.6 million) is repeatedly and erroneously cited as a benefit of the mall.

C. Failure to account for uncertainty.

Most numerical estimates of the mall's impact are given as flat assertions, without any indication of the range of uncertainty which exists. For example, a fundamental number is the estimated mall revenue of $85 million/yr. by 1990. Uncertainty here creates uncertainty about many other estimates: property tax reductions in the city of North Haven; effects on established businesses both inside and outside the SMSA; unemployment induced in New Haven and elsewhere; net job creation; effects on tax bases in other communities; etc.

On pp. 77-79 of Appendix L, there is a brief, superficial discussion of the risk of mall failure; this prospect is dismissed out of hand, and possible consequences are minimized. This is the only recognition I have been able to find of the fact that the $85 million revenue prediction is less than a sure bet. Whatever one may think of the prospect that the mall will fail, it is surely important to discuss the probability that annual revenue will eventually be $100 million or $50 million, rather than $85 million. After all, this is a projection eight years into the future, and the mall is an investment project with impacts ranging into the next century.

One way to deal with uncertainty is to have independent studies made, and then examine the range of estimates one receives. If funds for this are lacking, the mall developers could be required to report on the history of similar projects in other places, and to examine the eventual range of outcomes. A third way, less desirable but better than nothing, is to investigate the sensitivity of the developers' conclusions to the assumptions they make. For example, if the mall has revenue of $75 million, how drastically would its impact be changed? Such questions receive virtually no attention in the Gladstone report.

Specific Questions

The preceding considerations have led me to the following questions, which ought to be answered with reasonable assurance before the mall's impact can be fully evaluated.

1. Magnitude of benefits from enhanced competition.

The Gladstone report cites increased competition as a consumer benefit, but on the other hand, asserts that the mall will not be in direct competition with most existing retail outlets (such as discount houses and convenience stores). If the second point is true, it suggests that price reductions will in fact be negligible. What retail outlets are expected to be in direct competition with the mall? What percentage reductions in their prices can consumers expect? What is the aggregate annual value of these price reductions over the market area affected, using current sales as a base? What will be the total value of price reductions to consumers after transfers of sales among retailers are taken into account?

2. Economic overlap in market areas for New Haven CBD, "Magic Mile," and North Haven mall.

Figure 13, p. III - 16, presents a geographic description of the market areas served by each of these business districts. On the basis of this, it is claimed that trade area penetrations are 'substantially different'. However, all three areas include New Haven, North Haven, and Hamden, which account for the bulk of population and personal income in the SMSA. What is the extent of overlap for each market area shown in Figure 13, measured by a) population; b) aggregate real income; c) expenditures on shoppers' goods?

3. Displacement of retail floor space.

Some estimates are given on the extent of displacement of floor space in the SMSA. However, there is no such estimate in the Gladstone report for non-SMSA retail outlets. Nor is there any estimate of the value such facilities would have in alternative uses, such as office or warehouse use. (Such alternative uses for the North Haven mall in the event of failure are discussed -- see pp. 77-79 of Appendix L.) How much non-SMSA floor space will be lost due to the mall? What alternative uses could be found for this space, both in and out of the SMSA? What value would be placed on the properties in these uses?

4. Costs of job loss.

On p. 92 of Appendix L, it is estimated that 350-500 jobs might be lost in the SMSA. It is not sufficient to subtract these jobs from jobs created at the mall, using the resulting "net job creation" as a measure of the mall's impact on employment. First, similar effects can be expected outside the SMSA. Second, job loss involves adjustment costs which are not simply balanced off by job creation at some other location.

How many existing jobs will be lost outside the SMSA? What is the expected average duration of joblessness, both inside and outside the SMSA? What expenditures on unemployment compensation, food stamps, ADC, and job training will be made as a result? What levels of government, and which particular municipalities, which bear these costs? What increased expenses will the individuals affected have to bear, such as relocation and retraining costs?

5. Local fiscal effects.

The estimated $110,000/yr. annual cost for increased public services in North Haven (p. 75, Appendix L) is stated with almost no supporting evidence, and the estimate by town officials of zero incremental public service costs is hardly believable. The subsequent discussion (p. 76) does not explain how long the interval might be between the town's assumption of a $250,000 annual debt service burden for capital costs, and the first year at which the mall's minimum tax of $350,000 is incurred. The range of uncertainty about this duration is also important.

What has been the average incremental public service cost incurred by other towns similar to North Haven, upon construction of similarly-sized malls? Equally important, what is the range? How long is the town expected to incur debt service obligations until the first taxable year for the mall owners? How sensitive is the size of this annual obligation to alternative interest rate assumptions? How will these obligations be met prior to the first taxable year: through higher taxes, lower service levels, or both?

Finally, though the table on p. 82 estimates the changes in assessed valuations for local municipalities attributable to the mall, no account is taken of differences in tax rates for various towns. What are the actual dollar magnitudes of the reductions in property tax revenues for each city, based on these differences in tax rates?

Further questions can be raised, but these appear to be the principal gaps in the Gladstone economic analysis. To summarize: the low rates of growth in population and real income projected for the next decade or two strongly suggest that the real increase in demand for shoppers' goods in the mall's market area will be minimal. This fact alone is enough to suggest that most mall revenue will be obtained through transfers from other retailers, either in or out of the SMSA.

Transfers from existing retailers are partially neglected by artifically defining the New Haven SMSA as the appropriate focus of analysis. Indeed, this artificial boundary allows transfers away from some existing retailers to be treated as net benefits of the mall, through the terminology of "sales leakage." Costs of job loss outside the SMSA are completely ignored by proceeding in this way. Even adjustment costs associated with job losses within the SMSA receive only cursory attention.

The crucial economic question concerns the size of the net benefits of the mall, excluding pure transfer and displacement effects, and taking account of the costs of disrupting established businesses, jobs, and communities. Beyond this, the broader context of environmental and social concerns, many of them non-economic, requires careful study. However, even on narrow economic grounds, I'm quite skeptical that the slim incremental benefits from the mall justify its construction.

Whatever one's judgment based on current estimates, it is vital that independent assessments of the mall be made. The mall developers can be expected to have a rosy view of the project; an outside reviewer is less likely to double-count benefits, to confuse transfers with net gains, and to neglect costs imposed on other parties. An outside review would also help to ascertain the degree of uncertainty surrounding various crucial assumptions. Where possible, comparisons with similar projects in other locations should be made. Finally, even without these steps, answers to the specific questions listed above would shed considerable light on the true costs associated with the proposed mall.

Thank you very much for your time and attention. If you require further details on the matters I have mentioned, please feel free to contact me.

Sincerely,

Gregory K. Dow

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Assistant Professor of Economics

GKD/jmh