

As authorized by the Act, UCHC is in the process of negotiating a 98-year ground lease with an independent research organization that is exempt from taxation under Section 501(c)(3) of the IRC. The leased premises will be comprised of 17 acres of land on the UCHC campus, title to which is held by the State of Connecticut. The tenant shall construct, own, and operate, with financial assistance provided by CI, the "research laboratory and office building operation" and related amenities, including, without limitation, parking (collectively, the "Project") contemplated by the Act.

Against this background, UCHC would like legal clarification as to whether the Project which (a) is to be constructed, owned and operated on the UCHC campus by an independent research organization exempt from taxation under Section 501(c)(3) of the IRC, and (b) will serve as anchor to a Connecticut bioscience cluster, in furtherance of the Act and in collaboration with UCHC, among others, is subject to any Town of Farmington zoning, subdivision, wetlands, building permit or other land use approvals or permits.

This office has consistently opined that in the absence of specific statutory authority, local zoning authorities have no jurisdiction over the construction of a building on state land, even if the building being constructed is owned by a private entity.

Relative to the zoning review, this office has consistently advised state agencies that local zoning regulations do not apply to such construction projects absent an explicitly articulated legislative intent. See Conn. Op. Atty. Gen. No. 86-63 (August 18, 1986) (Commercial property owned by University of Connecticut in Mansfield, Connecticut and leased to private businesses is not subject to local zoning); see also 26 Conn. Op. Atty. Gen. 98, 99 (Town of Windsor Locks lacks zoning authority over privately owned hotel at Bradley Field); and 33 Conn. Op. Atty. Gen. 38 (1963) (Lease out of state owned park property not subject to local zoning).

This is similarly true relative to local building requirements. Building permit statutes must be interpreted in light of established principles governing the State's sovereignty. See, Conn. Op. Atty. Gen. No. 85-027 (April 17, 1985): "The rule of statutory construction which governs your inquires [about the State Building Code] is that it is 'a universal rule in the construction of statutes limiting rights, that they are not to be construed to embrace the government or sovereignty unless by express terms or necessary implication such appears to have been the clear intention of the legislature, and the rights of the government are not to be impaired by a statute unless its terms are clear and explicit, and admit of no other construction.'" Id. (citations omitted). In