

**State of Connecticut
Office of Policy & Management**

DRAFT
**Conservation and Development Policies Plan 2013-2108:
Response to Comments from Local and Regional Interest
Groups**

OVERVIEW

The Draft 2013-2018 Conservation and Development Policies Plan (Plan) was published on April 30, 2012. OPM, in cooperation with regional planning organizations, (RPOs) conducted thirteen public hearings over the ensuing five-month period. Public comments were accepted through October 5, 2012, at which time OPM committed to publish a draft response document in early November.

Due to the unprecedented number of comments received by OPM on both the Plan text and the draft Locational Guide Map (Map), OPM ultimately needed an additional month to meet its commitment. The draft response document should be considered a good-faith effort by OPM to explain its rationale for the Plan's content. Please understand that the task of summarizing what were oftentimes lengthy comments into a few words was a challenge in and of itself and, unfortunately, some loss in articulation was inevitable.

Responses to comments have been batched by: 1) Municipalities and RPOs; 2) Public/Individuals; 3) Statewide Organizations; 4) Local and Regional Interest Groups; 5) Legislators; and 6) State Agencies/Councils, and a separate document summarizes all the specific Map comments and associated data that was submitted to OPM in various formats.

Given the amount of time needed to address these comments and the evolving nature of this exercise, OPM anticipates that there will be some instances where it may be necessary to modify certain responses to comments to account for unforeseen conflicts, as it makes the recommended revisions to the Plan before submitting it to the Continuing Legislative Committee on State Planning and Development (Continuing Committee) later this month.

Please note that the Continuing Committee is required to hold a legislative public hearing on the Plan within 45 days of the start of the 2013 session, so interested parties will have another opportunity to offer comments before the Committee makes its recommendation to the General Assembly for its consideration of approval.

Organization: Aspetuck Land Trust

Contact: David Brant

Nature of Comments:

1) Concern that references in GMP #4 policies to "public-private partnerships" and "collaborative ventures with municipal and private entities" may be interpreted by some to be "for profit" entities. Suggest clarifying language to ensure that private non-profit land conservation organizations are covered under such policies.

OPM Response:

1) Agree.

Organization: Bicycle & Pedestian Alliance of Clinton
Contact: Alan Felgate, Debbie Lundgren

Nature of Comments:

1) Provided the Clinton Greenway proposal, Clinton Safe Routes to School Master Plan, and the Proposal for Safer Accommodation of Bicyclists on State Roads in Clinton.

OPM Response:

1) Accepted for consideration.

Organization: Citizens for Protection of Public Land

Contact: Robert Smith

Nature of Comments:

1) Agree with comments submitted by Rivers Alliance. 2) Provided map related comments on specific areas in Haddam and East Haddam. 3) Recommend that the Map be rejected and subjected to a complete re-evaluation and design using the existing property parcel maps, and delay or postponement of the Plan until Map issues are addressed.

OPM Response:

1) See responses to Rivers Alliance comments in "Statewide Organizations" comment document. 2) OPM is working to refine the map to reflect local conservation priorities, scale back Priority Development Areas when requested by a town, and improve the quality of the Open Space data. 3) OPM is proceeding with its statutorily required revised Draft Plan that addresses all public comments received. The legislative Continuing Committee must make its recommendation for approval or disapproval to the General Assembly in accordance with CGS Sec. 16a-30.

Organization: CT Water Company

Contact: Cindy Gaudino

Nature of Comments:

1) Agree with comments submitted by the CT Water Works Association. 2) Clarify the meaning of the statement "Whenever a state agency must make a determination of consistency...it shall not be limited to citing any policies contained in the Plan - regardless of the particular Growth Management Principle under which the policy statement appears", as it could be interpreted to mean that an agency does not have to abide by any of the Plan policies. 3) With regard to GMP #2, high-density development projects must be prohibited in source water protection watershed, unless such project can demonstrably prove no short or long-term adverse impact. 4) Support the GMP #4 policy that begins "Continue to protect ...and facilitate the expansion of the state's open space network...for the acquisition and maintenance of important multi-functional land", especially when such expansion further protects source water supply watershed and aquifer lands. 5) Use of state funds for agricultural support within sensitive watershed areas should be tied to performance measures that minimize water pollution causing practices. 6) Support limiting the extension of sewers within source water watershed areas, except in certain densely populated areas where individual septic systems threaten water quality and public health. 7) Support the extension of public water supplies into source water watershed areas when warranted due to public health, safety and economic viability of the community. Caution about limiting the sizing of such facilities when there is a need to accommodate fire protection needs and/or anticipated responsible growth or to allow for interconnections of water systems. 8) Suggest new policy language for GMP #5 and the inclusion of water supply watershed areas in the map on p.23. 9) Suggest that projects should be consistent with both the policies in the Plan and the Map to avoid any disconnect between the two. 10) Map should identify all water utility lands and other undeveloped lands located within source water supply or aquifer areas as priority conservation. Location of water utility lands can be obtained from water supply plans (see Chester map example).

OPM Response:

1) See responses to CWWA comments in "Statewide Organizations" comment document. 2) Agree. Language to be clarified. 3) See response to Council on Environmental Quality comment #7 in "State Agencies" comment document. 4) OPM concurs. Also, see related response to CT Section-American Water Works Association comment #5 in "Statewide Organizations" comment document. 5) No change recommended since the process to purchase development rights on agricultural lands is established by state statute, and its focus is preservation of farmland soils. The deed of conveyance requires that agricultural operations be farmed in accordance with an approved conservation plan prepared in consultation with the U.S. Department of Agriculture's Natural Resources Conservation Service (USDA-NRCS). Farms change hands and if there are particular enforcement issues that DoAg, or another agency, needs to address, it should be brought to DoAG's attention and handled on a case-by-case basis. There are USDA-NRCS conservation programs to assist farmers with water quality improvements. 6) See responses to Audubon CT comment #13 in "Statewide Organizations" comment document and to Council on Environmental Quality comment #7 in "State Agencies" comment document. 7) The GMP #4 policy that begins "Rely upon the capacity of the land..." provides for certain exceptions which may require further assessment of their potential environmental impacts, on a case-by-case basis, under CEPA to determine appropriate scale of proposed project. See related response to CT Water Works Association comment #3 in "Statewide Organizations" comment document. 8) See response to #4 above, as well as to Council on Environmental Quality comment #7 and to Dept. of Public Health comment #4 in "State Agencies" comment document. 9) Only "growth-related projects" as defined

under CGS Sec. 16a-35c are subject to the Map review, and CGS Sec. 16a-35d provides an exception process by which a state agency can undertake a growth-related project that has been deemed consistent with the Plan's policies, even if it is not within a priority funding area. See related response to CT Chapter of the American Planning Association comment #6 in "Statewide Organizations" comment document. 10) OPM will accept any mapped data provided by a water company showing lands in its ownership. The Map chapter will be updated to note that Class I and II lands will be considered as protected lands, while Class III lands will be treated as a conservation factor.

Organization: Eastern CT Resource Conservation & Development Area

Contact:

Nature of Comments:

1) Agree with comments submitted by CT Land Conservation Council. Specifically, to advocate for involvement of the state's conservation communities in the planning process, and the need for additional time to improve the mapped data.

OPM Response:

1) See response to CT Land Conservation Council in "Statewide Organizations" comment document.

Organization: Fairfield County Regional Conservation Partnership

Contact: Christina Gibson

Nature of Comments:

1) Request that OPM consider the map provided from the 10-town Partnership's Strategic Plan that helps guide conservation planning across town lines, with two areas in particular that would help the affected towns create a corridor of conservation initiatives through the region.

OPM Response:

1) OPM appreciates the coordinated approach taken to identifying the conservation priorities of the partnership towns. OPM will address the information provided to the extent possible, but recommend that the partnership's planning criteria be shared with DEEP since they are in the process of updating the "Green Plan".

Organization: Farmington River Watershed Association

Contact: Eileen Fielding

Nature of Comments:

1) Cite examples of how the Plan text and Map emphasis has shifted, with more of a bias toward development than previously. 2) Concerned about the limited time period for public involvement. 3) Plan should reference other agency plans and guidance documents, such as DPH's guidance for development in water recharge areas. As new data and information becomes available, it should be used to modify the Map and/or text. 4) Plan needs to emphasize the long term cost-effectiveness of protecting resource lands through sound land use practices. 5) Concern about promoting alternative wastewater treatment systems, since appropriate regulation is a work in progress.

OPM Response:

1) See response to Audubon CT comment #1 in "Statewide Organizations" comment document. 2) See responses to Audubon CT comments #3 and #4 in "Statewide Organizations" comment document. 3) Agency plans required to be reviewed for conformity with the Plan under CGS Sec. 16a-31(e) are referenced under each GMP. Also, see responses to CT Water Works Association comment #4 and Audubon CT comment #23 in the "Statewide Organizations" comment document. 4) OPM believes the issue is adequately addressed in GMP #4 introduction and through other policies in the Plan. 5) Recommend adding qualifying language in GMP #4 introduction reference to "Decentralized water and wastewater systems, when properly installed and maintained,..."

Organization: Groton Open Space Association

Contact: Joan Smith

Nature of Comments:

1) The Map contradicts the GMPs and existing municipal plans which show more balance. The Map should be reconfigured to reflect the GMPs and include input from a wider base of stakeholders. 2) There appears to be no plan for future conservation. 3) The Map fails to provide any apparent protected status to the reservoirs, drinking water watersheds and streams that drain into Long Island Sound.

OPM Response:

1) See response to CT Water Company comment #9 with regard to the Map's applicability. Also, see responses to Audubon CT comments #4, #15 and #16 in "Statewide Organizations" comment document. 2) Conservation investments are generally not applicable to the Map and its priority funding areas, due to the definition of "growth-related project" in CGS Sec. 16a-35c. The update of the DEEP "Green Plan" under PA 12-152 is the vehicle for establishing conservation priorities, and a link to the existing Green Plan is provided on p. 19. Also, see response to Audubon CT comment #1. 3) As noted in Plan's Map chapter, the Map will no longer serve as a policies guide as it had in past Plan revisions. The text of the Plan contains the policies that address the stated concerns. Also, see response to CT Water Company comment #10.

Organization: Hartland Land Trust
Contact: Susan Murray

Nature of Comments:

1) Express desire to preserve Town's rural culture, and for the Plan to encourage the conservation of Hartland's natural resources.

OPM Response:

1) OPM acknowledges this comment.

Organization: Housatonic Valley Association

Contact: Elaine LaBella, Tim Abbott, Sam Dzieken

Nature of Comments:

1) The Map does not reflect the predominant existing conditions on the ground, particularly because of the use of Census Blocks that results in a bias toward development. Recommend that rural towns not be subject to the Census Block approach and, instead, use only water and sewer service areas and village areas to delineate the priority development and balanced growth areas. 2) Concerned that Map may have unintended consequences for towns seeking state or federal assistance, if proposed land conservation projects fall within priority development areas. 3) Hurricane surge inundation shown on p.23 is predominantly priority growth on the Map. Recommend special consideration be given to this already highly developed area in order to limit new development. 4) Note many inaccuracies in Map's open space layer and have shared HVA's open space data. 5) With regard to the limited number of criteria used to delineate conservation areas; a) to achieve the Plan's goal of preserving farmland, it is important that the Map shows prime and important farm soils, existing farms, etc.; b) suggest adding wetlands less than 25 acres; c) provide special consideration for undeveloped land along Long Island Sound; d) greenway layer should include blue-blazed trails, and CT River is a blueway; e) include important habitat areas, such as traprock ridges, sand plains, and calcareous wetlands.

OPM Response:

1) See response to Audubon CT comment #15 in "Statewide Organizations" comment document. 2) As discussed in the Plan's Map chapter, new state statutes (CGS Chapter 297a) only require the Map to apply to "growth-related projects" defined in CGS Sec. 16a-35c, only after they have been deemed consistent with the policies of the Plan. See related response to CT Water Company comment #9 in this document. The DEEP Green Plan is the controlling document for prioritizing land conservation efforts, which are not considered "growth-related projects" and, therefore, not subject to the Map. 3) The Hurricane Surge Inundation areas on the Map are depicted predominantly as "Balanced Growth" due to the presence of both conservation and development factors. OPM will be adding additional language in the Map Chapter that explains how each Map category is to be applied, and a new GMP 4 policy that begins "Minimize the siting of new infrastructure and development in coastal areas..." 4) OPM will incorporate the open space layer provided, based on the notice to affected municipalities provided by the LHCEO and NWCCOG. 5)a-e) OPM will add statewide important agricultural soils over 25 acres and traprock ridges to its statewide conservation criteria. OPM will also add any other local conservation priorities that towns would like to submit. Also, see response to CT Forest & Park Association comment #3 in "Statewide Organizations" comment document.

Organization: Kent Land Trust

Contact: William Arnold

Nature of Comments:

1) Support the Town's comment that criteria used to delineate priority conservation areas is insufficient, and are concerned about inaccuracies in the Map's open space layer.

OPM Response:

1) OPM has accepted Map data from town and HVA to update its criteria to include local conservation priorities.

Organization: Litchfield Housing Trust
Contact: F. Robert Petricone

Nature of Comments:

1) Parcel 145-020-005 is incorrectly classified as preserved land when, in fact, it is not. The property will be used for affordable housing.

OPM Response:

1) OPM will update its data to remove the parcel from its incorrectly designated protected status.

Organization: Naubesatuck Watershed Council

Contact: Jean de Smet

Nature of Comments:

1) The extension of sewer to the magnet school off Tuckie Rd. was not intended to foster further development in the area, so it should not be considered a priority for development. 2) Concerned about the UConn Technology Park area being a priority development area because there are a lot of wetlands up there. 3) The area in Mansfield, east of Rt 195, that is now shown as a balanced growth area, is the drinking water watershed for Willimantic and southern Mansfield. It should not be a balanced growth area. 4) Support comments of River Alliance, particularly that the Plan no longer recommends low-density development in drinking water watersheds, and that least-cost compliance options are no substitute for best practices. 5) Census Block approach is too broad-brush, resulting in a Map that favors development rather than conservation when conflicting uses are present. 6) By mis-identifying what is currently open space and farmland as Balanced Growth, the Plan will force continuous exceptions to be filed, which will favor large developers over community organizations. 7) While most state agencies are directed to follow the Plan, the legislature has no such obligation, nor does UConn.

OPM Response:

1) OPM will remove the sewer factor from the affected Census Block in accordance with the map comment received from WINCOG on behalf of the Town of Windham. 2) While the statewide criteria for wetlands has a threshold of 25 acres, any project proposed in such area would still be required to address the Plan's policies concerning any potentially affected wetlands, regardless of acreage, including possible requirements under the CT Environmental Policy Act. 3) The chapter on the Map will include new language that specifies how a sponsoring agency would apply the Map after determining that a proposed growth-related project is consistent with the Plan. See response to Council on Environmental Quality comment #7 in "State Agencies" comment document. 4) See responses to Rivers Alliance comments in "Statewide Organizations" comment document. 5) See response to Audubon CT comment #15 in "Statewide Organizations" comment document. The Map will not favor either development or conservation in designated Balanced Growth Areas; however, it will be the responsibility of the sponsoring agency to determine the consistency of its proposed action with the policies of the Plan on a case-by-case basis. 6) The Map will be revised to reflect any new or more accurate protected lands data that is submitted to OPM. The decision on whether or not to pursue the statutory exception process for any proposed growth-related project located outside of a priority funding area is solely at the discretion of the sponsoring agency. 7) The Plan is implemented in accordance with CGS Sec. 16a-31 and any suggested revisions to this should be addressed through the legislative public hearing requirement of CGS Sec. 16a-30(a).

Organization: Park Watershed

Contact: Mary Virginia Rickel Pelletier

Nature of Comments:

1) GMP #1 should include a performance measure to gauge improvements to municipal parks and open space, so as to increase connectivity and ecological health, especially along stream corridors within high density urban-suburban areas. 2) A map that identifies relationships between watersheds and transportation routes is needed to ensure that high-density development areas do not cause downstream water quality and quantity problems, related to flood hazards from climate change. 3) Suggest that DEEP host a meeting for conservation organizations, including urban conservation groups, to synthesize planning efforts.

OPM Response:

1) OPM has acknowledged that the examples of performance measures are a work-in-progress that will require considerable scrutiny and time and, therefore, recommends modifying the GMP #1 policy that begins "Promote urban area" by adding a reference to "access to urban green spaces and waterways" instead. 2) OPM has opted to address these issues through its stated policies, partly due to uncertainty of how to visually convey the suggested information. 3) This suggestion was conveyed to the DEEP contact for this Plan update on 11/23/12.

Organization: Route 6 Economic Development Council

Contact: Joyce Stille

Nature of Comments:

1) Suggest changes to the Map consistent with the Route 6 Corridor Plan: a) change a small portion of the Bolton Crossroads node from "undesignated" to "development"; b) change the Coventry Ridge node from "conservation" and "undesignated" to "Village Growth Area"; c) expand the existing Village Growth Area for the Historic Andover node to incorporate linkages to the linear park, recreation field and senior housing; d) change the Lighthouse Corners area in the vicinity of the Routes 6/66 intersection in Columbia from "conservation" and "undesignated" to "Village Growth Area". Goal of the Corridor Plan is to create village-style mixed use developments with common parking, access, utilities, and package treatment plants or community septic systems.

OPM Response:

1) Suggested Map changes addressed in "Municipalities & RPOs" comment document.

Organization: Roxbury Land Trust

Contact: Susan Payne

Nature of Comments:

1) Look forward to day when there is a central map repository for all permanently preserved land in CT that is kept up-to-date. Include listing of several conservation easements added since 2009.

OPM Response:

1) Until such time, OPM is accepting local data associated with municipal conservation priorities, as well as corrections to existing statewide data related to Map criteria.

Organization: Salisbury Land Trust
Contact: George Massey

Nature of Comments:

1) It is important to recognize that the map can never be completely correct and that it is only an aid. Make the map as good as you can, but admit it is not the controlling element of the plan.

OPM Response:

1) See responses to Audubon CT comments #15 and #16 and CT Chapter of the American Planning Association comment #6 in "Statewide Organizations" comment document.

Organization: South Central CT Regional Water Authority

Contact: Ron Walters

Nature of Comments:

1) Concern that state agency methods of determining consistency with the Plan may differ based on their particular objectives, resulting in certain GMPs being promoted to the detriment of others. 2) Suggest reinstating certain policies from the 2005-2010 Plan related to public water supply watersheds, such as requiring minimum buildable lots of two acres for septic systems and the avoidance of sewer collection systems except when essential to solve areawide problems. Plan should also incorporate by reference other guidelines developed by agencies for the protection of public drinking water supplies. 3) Several Balanced Growth areas shown on the Map are within RWA's watershed areas, and such areas oftentimes have different characteristics. For example, the lower Mill River watershed is sewerage and highly urbanized, whereas the Farm River watershed contains isolated areas of commercial development, low density residential, large tracts of farmland and open space. Such areas should be evaluated to determine if they are more suitable for development or conservation. 4) Suggest that the Plan clearly state that protection of public water supplies is the highest priority for long-term protection of public health and safety, including within Balanced Growth Areas, by reinstating the policy to discourage the introduction of infrastructure into public water supply watersheds, except within certain defined conditions. 5) Suggest redrafting sections of the Plan (p.12, 18,24) that encourage "decentralized or small-scale water and sewage systems", so that the Plan instead encourages interconnections between utilities, density where it is appropriate, and a cost benefit analysis approach to extension of public water. In particular, the policy "Rely upon the capacity of the land..." should be replaced with a more balanced approach that considers the public health and fire protection benefits of well-financed and professionally operated public water and wastewater systems outside of public water supply watersheds.

OPM Response:

1) Efforts to ensure that agencies implement the Plan in as consistent and coordinated a manner as possible will continue after adoption of the Plan. 2) See response to Council on Environmental Quality comment #7 in "State Agencies" comment document. Also, see response to CT Water Works Association comment #4 in the "Statewide Organizations" comment document. 3) Such a review would be conducted by the sponsoring agency on a project-by-project basis in order to document its determination of consistency for any growth-related project proposed in a Balanced Growth Area. The proposed action may also require a review under CEPA. 4) The GMP #4 policy that begins "Rely upon the capacity of the land..." will be modified along with a new GMP #5 policy that begins "Minimize development impacts on drinking water supplies..." as noted in the responses to Dept. of Energy and Environmental Protection comment #1c and Council on Environmental Quality comment #7 in "State Agencies" comment document. 5) The GMP #4 policy that begins "Rely upon the capacity of the land..." allows for flexibility when there is a demonstrated need, as noted in response to CT Water Works comment #3 in "Statewide Organizations" comment document.

Organization: The Last Green Valley

Contact: Charlene Perkins Cutler

Nature of Comments:

1) Request the following language be added to GMP #6: "Consider potential impacts to Connecticut Heritage Areas as required by CGS Sec. 23-81", since this statute requires each agency to consider such Areas when developing planning documents and processes. 2) Request the definition of CT Heritage Areas be expanded to include the statutory reference. 3) Recommend adding a list of towns or a map depicting the boundaries of each CT Heritage Area.

OPM Response:

1) The GMP #4 policy that begins "Protect and preserve... Connecticut Heritage Areas...", combined with the statement in the first bullet on p.6 and the requirements of CGS Sec. 16a-31, provides the necessary coverage for agencies to determine the consistency of their proposed actions in such areas. 2) Beyond what is already included in the Glossary of Terms, affected agencies must comply with all relevant statutes, so it is not the intent of this Plan to state each specific requirement. 3) A link to the legislative summary on Connecticut Heritage Areas, which includes listings of towns and associated maps, will be included in the Glossary of Terms in Attachment E.

Organization: Thread City Development

Contact: Douglas Lary

Nature of Comments:

1) Two of Windham's largest cemeteries are shown as priority development areas. The Club Rd. area includes a cemetery and some of the largest acreage parcels in town, but has been identified as a priority development area. The sewer was extended because a school was located in a green space and now the entire region around the school has been labeled a priority development area. That was not the town's intent. 2) The map shows a preserved property at the corner of Jackson and Main. That's a redevelopment area where the neighborhood was destroyed for economic redevelopment and, as much as the town likes it to be a green space, it's not supposed to be. It's supposed to be an economic development area. 3) You've also labeled what we call Hosmer Mountain, off Mountain St., as a development area. That's green space, with 45-degree slopes. You've also shown the area uphill of the water tower as a development area. It doesn't seem like a good idea. The area directly west of South Windham Village is labeled as development area, but is farmland at the very edge of our water system. The LGM is generous with where Windham can develop, but development should be concentrated where appropriate, not in our cemeteries or other places indicated on this map. Provided map related comments on specific areas

OPM Response:

1) Comments accepted. 2) Map will be revised to remove the parcel's protected status. 3) Comments accepted and will coordinate with Town.

Organization: Vernon Citizens for Responsible Development

Contact: Ann Letendre, et al.

Nature of Comments:

1) Map needs to be updated to reflect the recent acquisition of the 449 acre Tankerhoosen Wildlife Management Area. 2) The environmental sensitivity of the watershed is lost in the term "Balanced Growth Area". Suggest that the term "Balanced Conservation Area" might be more appropriate. 3) Concerned about the potential diversion of water out of the watershed that could result from a future sewer project in the Balance Growth Area. The potential drawdown would have to be compensated by bringing in water lines which would be contrary to GMPs #4/5. 4) The method of counting the number of conservation factors does not reflect the true natural resource values, such as "connectedness" in greenways and watersheds. 5) The Map should address the fact that critical habitat as a criteria does not include areas where species listed in the Natural Diversity Database are found.

OPM Response:

1) Data accepted. 2) OPM has included additional language in the chapter on the Map in order to clearly explain how each Map category is to be applied. Consideration will be given to changing term to Balanced Priority Funding Area. 3) When such an action is proposed and the sponsoring agency documents its rationale for undertaking the action in a Balanced Growth Area, it is likely that the sponsoring agency would need to conduct a review under the CT Environmental Policy Act which could require a thorough analysis of potential alternatives before proceeding. 4) The chapter on the Map acknowledges that there are no values assigned to the Map criteria. As noted in #3 above, the sponsoring agency would need to coordinate as appropriate with its affected sister agencies to consider any conservation values that are present and address any potential policy conflicts, prior to determining whether or not to proceed with a proposed action. 5) OPM will clarify what the Critical Habitat data represents in the Plan's Map chapter.

Organization: Weantinoge Heritage Land Trust

Contact: Catherine Rawson

Nature of Comments:

1) Would like to correct the Map's open space layer to include the protected properties in its working region.

OPM Response:

1) New information will be added.