

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

**DRAFT**  
**Conservation and Development Policies Plan 2013-2108:  
Response to Public/Individual Comments**

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**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.

**Name:** Bonan, Dave

**Town or Occupation:** Danbury

**Nature of Comments:**

1) Map criteria should include ferry service, bike routes, multi-use trailways, old growth forests, national parks (i.e., Weir Farm), and Appalachian Trail. 2) The map for GMP #3 should include transit stops and smaller airports.

**OPM Response:**

1) Map will be revised to include best available data that support the selected statewide and locally important criteria. Weir Farm will be added to the protected lands layer. 2) The Map criteria only includes those airports listed on the National Plan of Integrated Airport Systems (NPIAS). This includes commercial, reliever and general aviation airports, but not other public use airports.

**Name:** Cibes, William

**Town or Occupation:** Hartford

**Nature of Comments:**

1) Generally supports the comments of Rivers Alliance and advocates for focussing development and job creation in areas where significant public investment in infrastructure and services has already occurred in order to prevent sprawl. Believes that the Draft Plan erodes state's power to protect the public good and recommends minimal changes to the 2005-2010 Plan and Map.

**OPM Response:**

1) See responses to Rivers Alliance in "Statewide Organizations" comment document. The Draft Plan was developed in accordance with statutory requirements, including several new requirements since the 2005-2010 Plan was approved. One of the most visible changes was the streamlining of the Plan's content to focus on broad state policies, and to place greater reliance on state agency plans for implementation details and guidance in accordance with their legislative mandates. Another significant change was the shift in the role of the Map to address new priority funding area requirements in CGS Chapter 297a, as described in the Map chapter. The legislative exception process provides an administrative mechanism by which a state agency can consider funding a growth-related project outside of a priority funding area. This exception process requires that the proposed action be consistent with both the State policies and the municipal plan and other criteria, and any such funding granted must be reported annually by the agency with the reasons therefor (CGS Sec. 16a-35d(c)). Given the new requirements of the Plan, there will need to be coordination among the Legislative and Executive Branches on how to effectively implement the Plan going forward.

**Name:** Dunham, Carl

**Town or Occupation:** New Milford

**Nature of Comments:**

1) Development and employment should be the primary priority of the Plan, as well as for agency regulations. 2) Plan should be flexible to coordinate with market demands. 3) Plan should encourage the possibility of passenger rail service from Danbury to Pittsfield, MA. 4) Suggest a future connector to Route 202 to open up industrial properties, while preserving historic component of New Milford. 5) Letter notes various examples where the Map should be amended to reflect existing conditions in New Milford.

**OPM Response:**

1) The Plan is intended to broadly address all conservation and development policies of the state, while individual agency plans and guidance address their particular areas of interest in greater detail. 2) OPM believes that there is sufficient flexibility for state agencies to coordinate their proposed actions to meet market demands when warranted. The Plan does not apply to projects in which there is no defined state action per CGS Sec. 16a-31(a). 3) That issue would more appropriately need to be addressed in the Long-Range Transportation Plan. 4) That issue would more appropriately need to be coordinated between the municipal and regional POCDs and the DOT. 5) OPM is addressing related Map change requests submitted by the Mayor.

**Name:** Ebersol, Charles

**Town or Occupation:** Attorney for CT Junior Republic Association/Buel Real Estate

**Nature of Comments:**

1) Request Map amendment to remove the "Protected Open Space and Farmland" designation on the 160 acre private property located at 550 Goshen Road in Litchfield, which has no deeded use restrictions or conservation easements other than an easement granted to the Nature Conservancy of CT along the banks of the Bantam River.

**OPM Response:**

1) Accepted.

**Name:** Falkenhagen, Patricia

**Town or Occupation:** Easton

**Nature of Comments:**

1) Concerned about the deletion of the language related to limits of development such as one residence on two buildable acres in the Aquarion Water Company watershed.

**OPM Response:**

1) See response to Council on Environmental Quality comment #7 in "State Agencies" comment document.

**Name:** Foster, CJ

**Town or Occupation:** Milford

**Nature of Comments:**

1) Emphasizes the need for specific policies protecting watersheds and Long Island Sound and need for detailed and meaningful guidance for transit-oriented development and other "smart growth" principles. 2) State funding decisions should be determined by natural resources and population density, not census blocks. 3) Need specific policies that ensure extra priority is given to areas that meet all six of the criteria for development areas so that the plan is effective in directing resources to the highest priority areas.

**OPM Response:**

1) See response to Council on Environmental Quality comment #7 in "State Agencies" comment document regarding watersheds. Long Island Sound is covered under the statutory definition of "natural areas" and this will be further clarified in the GMP #4 policy that begins "Protect and preserve natural areas..." Guidance on TOD is evolving at the agency level, and will be coordinated through the Plan's implementation. 2) State funding decisions are based on myriad factors specific to individual programs. Actions that fall under CGS Sec. 16a-31(a) must be consistent with the Plan, and the Map only needs to be considered when the proposed state action is for a growth-related project as defined in CGS Sec. 16a-35c. See related response to CT Forest & Park Association comment #1 in "Statewide Organizations" comment document. 3) See responses to Audubon CT comment #19 and CT Chapter of the American Planning Association comments #6 and #7 in "Statewide Organizations" comment document.

**Name:** Gale, Sidney

**Town or Occupation:** Integrated Management Controls, LLC, Guilford

**Nature of Comments:**

1) Suggests that a true comprehensive plan should communicate the state's strategic direction and address the allocation of resources and major goals for achievement over a specified planning horizon, as well as provide municipal and regional governments and other stakeholders a clear context within which to plan their own courses. 2) GMP #6 requires a more meaningful intergration of individual state agency plans into a cohesive Plan, in order to create a synergy among them. 3) Plan takes a too passive role in presuming the continued focus on Home Rule. 4) Suggest creating more inter-regional competition for funding that will result in a clearer definition of regional identity and strengths, and a more rational allocation of state resources to opportunity. 5) Plan does not articulate a credible policy for realizing success through transit-oriented development, particularly the need to reduce the time, cost and energy associated with the transportation element in people's lives. 6) Plan should provide greater consideration of climate change and energy transition.

**OPM Response:**

1) While the Draft Plan does not achieve that level of comprehensiveness, these are certainly worthy goals to aim for in the future. 2) Due to the individual statutory requirements and timeframes associated with various state agency plans, it is acknowledged that greater synergy is something that will need to evolve in the coming years. 3) Since the Plan must be adopted by the General Assembly, OPM has developed the Plan in a manner consistent with the direction indicated by previous actions of the Continuing Legislative Committee on State Planning and Development with regard to rulings on municipal interim change applications. 4) OPM currently administers the Regional Performance Incentive Program (CGS Sec. 4-124s) that provides annual competitive grants for projects that improve the delivery of existing municipal services by providing them on an inter-municipal or regional basis, and potentially reducing the overall cost burden on local taxpayers. OPM must also report by 1/1/14 its findings of the analysis of the boundaries of logical planning regions, in accordance with CGS Sec. 16a-4c, as amended by Sec. 189 of PA 12-1 of the June Special Session. 5) Guidance on TOD is evolving at the agency level, and will be coordinated through the Plan's implementation. 6) See #2 above. References to agency plans in the text of the Plan, ensures that any updated guidance from agencies is captured without the need to formally amend the Plan in the interim period of its 5-year revision cycle.



**Name:** Goode, Aaron

**Town or Occupation:** New Haven

**Nature of Comments:**

1) Critical of the removal of specific policies protecting watersheds and open space.

**OPM Response:**

1) See response to Council on Environmental Quality comment #7 in "State Agencies" comment document.

**Name:** Hilding, Alison

**Town or Occupation:** Storrs

**Nature of Comments:**

1) The Plan should begin with an identification of drinking water sources, estimation of the capacity of each source and identification of a delivery system for that water. Development should conform with water availability. This analysis should also account for the effects of pollution and climate change on water availability. It's not clear that the state takes a sufficiently protective position regarding development or potential development in areas of known ground water pollution. 2) Encouraging high density in the Hunting Lodge Rd. area within walking distance of UConn might seem to be a good idea, but high density apartments there have created mayhem, so reconsider and talk with Mansfield about that level of density in the area. 3) The Pink Ravine area south of Shelter Falls State Park is state land taken in 1918 to provide water for what is now UConn. This property "should be added to the state's 'no cost' farmland preservation program" and designated preservation. 4) All private and public undeveloped land west of Hunting Lodge Rd. towards Bone Mill Rd should be Priority Conservation. It has recreation value and preventing development and increased ground water use there will limit the migration of pollution from the east.

**OPM Response:**

1) While this suggestion is currently beyond the ability of this Plan to address, it should be noted that this could be addressed in part by implementation of the Water Planning Council's Water Allocation Policy Planning Model. However, actual implementation will require high level support, as well as adequate funding and clear water resource management policy established by the General Assembly. 2) Issues of density off the UConn campus are a local land use matter. 3) OPM is not aware of any protected status for this property. Also, see response to #4. 4) OPM is willing to apply any local conservation priority data to the Map, if requested by the affected municipality.

**Name:** Holloway, Thomas

**Town or Occupation:** Madison

**Nature of Comments:**

1) Critical of lack of specific detail contained in the draft Plan versus the 2005-2010 Plan. 2) Plan does not live up to commitment to promote transit-oriented development. 3) Suggests that use of Census Blocks to delineate boundaries on Map is arbitrary. 4) Extra priority should be given to areas that meet all, or most all, of the development criteria. 5) Guidance on watershed protections from 2005-2010 Plan should be retained.

**OPM Response:**

1) This Plan revision was intended to streamline the document to focus more on the Plan's policies, and allow a broader framework within which state agencies can prepare their required agency plans and associated guidance. This framework also provides municipalities and regional planning organizations a more concise reference for when they update their respective plans as required by CGS Sec. 8-23 and 8-35a, respectively. See related response to CT Federation of Lakes comment #1 in "Statewide Organizations" comment document. 2) Guidance on TOD is evolving at the agency level, and will be coordinated through the Plan's implementation. 3 & 4) Due to past concerns about the Plan being too top-down, this Plan revision recommends that priority funding areas be based on a broad Census Block basis, in order to allow the possibility that future coordination among municipalities and regional planning organizations will result in the identification of the highest priority areas for targeting state funding. 5) See response to Council on Environmental Quality comment #7 in "State Agencies" comment document.

**Name:** Koehl, Lisa

**Town or Occupation:**

**Nature of Comments:**

1) Plan sets good goals, but does not provide the kind of concrete steps and enforceable requirements that will really protect watershed lands. 2) Suggests that detailed , meaningful guidance on TOD will help protect open space, reduce automobile trips, and cut air pollution. 3) Conservation and development areas should be defined by their ecological value, not census blocks.

**OPM Response:**

1) See response to Council on Environmental Quality comment #7 in "State Agencies" comment document. 2) Guidance on TOD is evolving at the agency level, and will be coordinated through the Plan's implementation. 3) See response to CT Forest & Park Association comment #1 in "Statewide Organizations" comment document.

**Name:** LaRocque, Kenneth

**Town or Occupation:** Headmaster of Avon Old Farms School

**Nature of Comments:**

1) Provided specific map comments.

**OPM Response:**

1) Accepted.

**Name:** Lytton, Laura & Zelisko, Richard

**Town or Occupation:** Cheshire

**Nature of Comments:**

1) Urges more detailed policies to provide the kind of concrete steps and enforceable requirements that will protect watershed lands and manage development productively, to help ensure that Connecticut residents have an adequate, healthy public water supply for decades to come.

**OPM Response:**

1) See response to Council on Environmental Quality comment #7 in "State Agencies" comment document.

**Name:** Mason, Matthew

**Town or Occupation:** Land Use Attorney

**Nature of Comments:**

1) The 2005 Plan expressed certain policy preferences, which are not contained in any state statutes or regulations, with respect to water, sewer, development in watersheds (e.g. no greater than one dwelling per two buildable acres), and other items. Believes that the Draft Plan presents a more balanced approach to conservation and development and contains fewer of the specific policy preferences that can be misused or improperly form the basis for decisions by local land use bodies, and urges that OPM not be pressured by special interest groups to add back these policy preferences.

**OPM Response:**

1) See responses to Council on Environmental Quality comment #7 in "State Agencies" comment document and CT Chapter of the American Planning Association comment #6 in "Statewide Organizations" comment document.

**Name:** McMullen, Sheryl

**Town or Occupation:** Vernon

**Nature of Comments:**

1) Concerned that municipalities and developers will interpret the lack of DEEP critical habitats and the natural diversity data base as points of "authorization" to change local zoning and protection. Request that the Map's data references be revised to include DEEP's Wildlife Conservation Strategy information.

**OPM Response:**

1) See response to CT Chapter of the American Planning Association comment #6 in "Statewide Organizations" comment document. To the extent that the conservation factors depicted on the draft Map do not encompass all local conservation priorities, OPM will accept supplemental information/data from municipalities and reflect it as a local conservation priority on the revised Map. Finally, a link to the CT Comprehensive Wildlife Conservation Strategy is provided on p.19 of the Plan to provide additional guidance.



**Name:** Miles, Chris

**Town or Occupation:** Easton

**Nature of Comments:**

1) Disappointed the Plan no longer includes specific standards regarding watershed protection and density guideline of 1 unit per 2 upland acres.

**OPM Response:**

1) See response to Council on Environmental Quality comment #7 in "State Agencies" comment document.

**Name:** Minasi, Leslie

**Town or Occupation:** Easton

**Nature of Comments:**

1) Critical of the removal of specific policies protecting watersheds.

**OPM Response:**

1) See response to Council on Environmental Quality comment #7 in "State Agencies" comment document.

**Name:** Porter, Douglas

**Town or Occupation:** Woodstock

**Nature of Comments:**

1) Suggested the relationship between the Map and state funding is important and expressed concern about future funding opportunities which may be tied to the Map. 2) Feels that the map implemented a top down approach and lacked sufficient accuracy that local data may provide. 3) Questioned how growth related projects may be viewed in the context of the map, such as a sewer extension currently being brought to a local school. 4) Map's designated Village Growth Areas don't reflect Woodstock's many historic districts. 5) Questioned whether solar installations might be subject to Priority Funding Areas.

**OPM Response:**

1) See response to Housatonic Valley Association comment #2 in "Local & Regional Interest Groups" comment document. 2) While OPM was required to develop an initial draft Map for public review, it has tried to facilitate a more bottom-up approach by accepting comments and/or data to remove certain Census Block-based designations and to add municipal conservation priorities as noted in response to Audubon CT comments #15 and #16 in "Statewide Organizations" comment document. 3) Due to the Census Block approach, the existence of sewers would render this a development priority. However, as noted in #2 above, a municipality could request that the Census Block be changed to remove the development designation, such as in a sewer area where more intensive development is not desired. Any such change to a Census Block will not change the fact that sewers exist in the underlying data layer for DEEP's Clean Water Fund administration purposes. 4) OPM will accept municipal information and/or data that reflects more appropriate boundaries for Village Growth Areas or historic district designations than those currently shown on the Map. 5) Relative to the response to #1 above, such installations may be subject to a determination of consistency with the Plan if the action is deemed by the sponsoring agency to be an "improvement of real property" in excess of \$200k under CGS Sec. 16a-31a. If so, then the sponsoring agency would need to determine if it meets the definition of a "growth-related project" under CGS Sec. 16a-35c. If the action was considered "renovations to existing facilities" it would not be considered a growth-related project and, therefore, not be subject to the Map. This example should not be considered an official determination.

**Name:** Raisbeck, Elizabeth

**Town or Occupation:** Groton

**Nature of Comments:**

1) Critical of the removal of specific policies protecting watersheds and Long Island Sound.

**OPM Response:**

1) See response to Council on Environmental Quality comment #7 in "State Agencies" comment document regarding watersheds. Long Island Sound is covered under the statutory definition of "natural areas" and this will be further clarified in the GMP #4 policy that begins "Protect and preserve natural areas..."

**Name:** Shahinyan, Gohar

**Town or Occupation:** Hamden

**Nature of Comments:**

1) Critical of the removal of specific policies protecting watersheds.

**OPM Response:**

1) See response to Council on Environmental Quality comment #7 in "State Agencies" comment document.

**Name:** Smith, Christopher

**Town or Occupation:** Land Use Attorney

**Nature of Comments:**

1) Plan should clearly affirm that one of its essential purposes is to provide guidance to decision-makers concerning funding to promote development in our State; in particular, to encourage infill development whenever possible. 2) Request that consideration be given to adding language to clarify that use of the Plan/Map by state agencies and municipalities (specific language provided).

**OPM Response:**

1) Although OPM believes that the Plan thoroughly conveys this message already, the Continuing Committee established under CGS Sec. 4-60d will be consulted to determine if there is interest in further strengthening this message. 2) OPM recommends adding new language to clarify this issue as agreed to in the response to CT Chapter of the American Planning Association comment #6.

**Name:** Stanley, Richard

**Town or Occupation:** West Simsbury

**Nature of Comments:**

1) Urges the addition of more detailed policies, specific guidance to towns on how to protect watershed lands and manage development productively , including enforceable requirements.

**OPM Response:**

1) See response to Council on Environmental Quality comment #7 in "State Agencies" comment document and related response to CT Federation of Lakes comment #1 in "Statewide Organizations" comment document.

**Name:** Stewart, Pete

**Town or Occupation:** Ridgefield

**Nature of Comments:**

1) Urges to keep all the prior controls on protection of drinking watersheds when adopting the new plan.

**OPM Response:**

1) See response to Council on Environmental Quality comment #7 in "State Agencies" comment document.



**Name:** Suprenant, Pat

**Town or Occupation:** Mansfield

**Nature of Comments:**

1) The Plan appears to be the state's opportunity to regulate municipalities, but what obligation does the state have to regulate itself, speaking in particular of UConn and other colleges? 2) Pg 18 of the plan speaks of balancing competing water needs and relying on capacity of land to provide water. Does this apply to the state and, if not, shouldn't it apply? 3) UConn does what it wants, and will possibly bring water to UConn from as far as East Hartford. Who is responsible for that; is it Mansfield or the state? If the state is committed to do, that does it allow them to supercede the plan's requirements for smart growth? 4) Future plans should be more specific regarding enforcement; is the plan a recommendation or is it enforceable in some way other than through funding sources or grants? The plan text should be clear about its enforceability.

**OPM Response:**

1) The Plan is applied in accordance with CGS Sec. 16a-31. 2) The Plan's policies pertain to any state agency action under CGS Sec. 16a-31. When there is a need to balance competing needs or other potentially significant impacts on the environment, the sponsoring agency may also need to conduct a review under the CT Environmental Policy Act (CEPA). 3) The CEPA process requires the sponsoring agency (e.g., UConn) to involve the public throughout the planning process. When the sponsoring agency determines that an Environmental Impact Evaluation is necessary, it must evaluate and compare the potential impacts on the environment from various alternatives and address any necessary mitigation of such impacts. 4) The statutory requirement is for state agencies to determine the consistency of their actions when they undertake certain projects using state or federal funds. OPM recommends adding new language to clarify this issue as agreed to in the response to CT Chapter of the American Planning Association comment #6.

**Name:** Waleski, Daniel

**Town or Occupation:** Derby

**Nature of Comments:**

1) Suggest that the lower Naugatuck Valley is underdeveloped and has enormous potential due to lower cost of living and labor supply. Plan should address needs of Rt 8 corridor.

**OPM Response:**

1) The Plan's Growth Management Principles provide the context for municipalities and regional planning organizations to address their local and regional priorities for conservation and development (CGS Sec. 8-23 and Sec. 8-35a), along with other regional transportation planning requirements that focus on the needs of the corridor.

**Name:** Watson, Donald

**Town or Occupation:** Trumbull

**Nature of Comments:**

1) Plan should be explicit in stating that all state, community and municipal plans must include measures to reduce and avert the hazards, risks and liabilities of natural disaster events through mitigation planning. 2) Several suggestions provided for more thoroughly addressing hazard mitigation measures for each GMP.

**OPM Response:**

1) While the policies contained in the Plan are mandatory on state agencies per CGS Sec. 16a-31a, the Plan is only advisory to municipalities and regional planning organizations (CGS Sec. 8-23 and Sec. 8-35a, respectively). 2) OPM appreciates the suggestions provided and intends to partially address some items in the text, particularly in GMPs #1,4 & 5. In general, emergency management planning is handled separately from conservation and development planning; however, the comments do include some instances where appropriate land uses in hazard prone areas can be the least costly, most effective mitigation measures. Additional examples of performance indicators will be held for future consideration, but are not being included at this time due to the fact that there needs to be a longer-term, comprehensive effort to develop a holistic set of indicators for each GMP that can be easily measured by state agencies.

**Name:** Williams, Joseph

**Town or Occupation:** Land Use Attorney

**Nature of Comments:**

1) Suggest the incorporation of language that specifies the limited areas to which the Plan applies and that "it does NOT apply to municipal land use decision making and does not in any way supersede municipal plans or regulations."

**OPM Response:**

1) OPM recommends adding new language to clarify this issue as agreed to in the response to CT Chapter of the American Planning Association comment #6 in "Statewide Organizations" comment document.