

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

DRAFT

**Conservation and Development Policies Plan 2013-2108:
Response to Comments from State Legislators**

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: Sen. Fasano, Leonard District: 34

Nature of Comments:

1) Were legislators made aware of public hearings?

OPM Response:

1) OPM coordinated with regional planning organizations (RPOs), as required by CGS Sec. 16a-28(c), to schedule and publicize public hearings in each planning region. Although OPM kept the Continuing Committee informed of the Plan's status throughout the process, individual legislators were not directly notified of public hearings in their respective regions. Public hearing information was provided on OPM's website, and RPOs worked with their member towns to publicize such hearings.

Name: Rep. Mushinsky, Mary District: 85

Nature of Comments:

1) Differences between local and state plans and between state agencies should be reconciled through negotiations rather than domination. To reconcile differences, please ensure that you do not force one level of government to bow to the other's plan of development, but rather use a negotiated process as New Jersey has done to align state and local government plans. 2) OPM should reject efforts by developers to delete references to best scientific practices for preserving water quality and protecting the state's natural resources. 3) Water quality seems to have taken a hit in this proposed update, possibly due to a desire by developers to remove restrictions on building lots. Consider restoring language from the 2005-2010 Plan that reflected best scientific practices of placing lower densities in pristine watershed lands to protect water quality and quantity. 4) The Plan could be stronger on protecting waterways and Long Island Sound, and would benefit from additional guidance such as leaving vegetative buffers along waterway corridors as the most cost-effective way to remove excess nutrients and bacteria. 5) Floodplains and coastal areas subject to flooding in the Plan need specific language to retain natural functions and protect the public from harm. 6) The Plan should mesh with CT DEEP's The Green Plan and all agency plans, so we are all following the same vision. 7) Greenways and blueways should be shown on the plan.

OPM Response:

1) While OPM has undertaken a good-faith cross-acceptance process for the first time, it is still beholden to the statutory timeframes of CGS Chapter 297. Every effort was made to ensure that the Plan was developed in a manner that was as transparent as possible, with unprecedented levels of outreach. 2) The content in the Draft Plan that recently underwent public hearings was developed by OPM with input from other than state agencies, municipalities and regional planning organizations as outlined in OPM's cross-acceptance report. All responses to public comments, including those from developer interests, are contained herein to ensure transparency. 3) Various organizations have offered specific comments consistent with your concern and OPM is in the process of amending the relevant policies, as noted in the response to Council on Environmental Quality comment #7 in "State Agencies" comment document. The perception that 'water quality seems to have taken a hit' is likely due to changes prompted by the Continuing Committee's 2009 inquiry concerning the integration of agency-level plans in the comprehensive planning process. In response to that inquiry, the Draft Plan has been streamlined relative to the 2005-2010 Plan. The new format of the Draft Plan does not provide for the same level of detailed technical guidance as provided previously; however, affected state agencies will have greater flexibility to disseminate new or revised technical guidance that is based on the latest science and/or improvements in management practices. For example, the widely acknowledged source of the one unit per two buildable acres language in the 2005-2010 Plan is "Protecting Connecticut's Water-Supply Watersheds: A Guide for Local Officials", Connecticut DEP, January 1993. OPM believes that the new format of the Draft Plan will lead to more robust conservation and development planning efforts across all levels of government going forward. 4) OPM intends to include specific references to the protection and preservation of stream corridors and Long Island Sound in GMP 4 policies, as noted in the response to DEEP's comment #1d in "State Agencies" comment document. 5) OPM will modify relevant policies in GMPs 4 & 5 to address this comment, and similar comments received from DEEP and other organizations/individuals. 6) The Green Plan is one of several plans subject to the provision of CGS Sec. 16a-31(e) that requires agencies to submit a draft of any plan prepared under state or federal law to OPM for a review of its conformity with the C&D Plan. Any new data developed through the Green Plan process, which results in more accurate information than currently available, will be incorporated by

OPM into the Map should the Continuing Committee give its consent. 7) A link to state designated greenways is included on p. 13, however, this line data generally does not reflect well when combined with all other statewide data because it is apparently not available as polygons.

Name: Sen. Roraback, Andrew District: 30

Nature of Comments:

1) Requested a 30-day extension to the public comment period deadline on behalf of Housatonic Valley Association (HVA), to allow communities more time to analyze and respond to the draft Map.

OPM Response:

1) The requested extension was not granted due to OPM's needs to meet the statutory timeframe associated with CGS Chapter 297, which were summarized in the letter from OPM Secretary Barnes dated September 12, 2012.

Name: Rep. Willis, Roberta District: 64

Nature of Comments:

1) Requested a 30-day extension to the public comment period deadline on behalf of Housatonic Valley Association (HVA), to allow communities more time to analyse and respond to the draft Map. 2) Towns are concerned about inaccuracies with the Map and that changes can be made before the Plan is sent to the legislature.

OPM Response:

1) The requested extension was not granted due to OPM's needs to meet the statutory timeframe associated with CGS Chapter 297, which were summarized in the letter from OPM Secretary Barnes dated September 12, 2012. 2) Following the public hearing on September 18, 2012, OPM received significant amounts of mapped information from HVA and other municipal and non-profit conservation organizations that are being added to the Map to improve its accuracy.

Name: District:

Nature of Comments:

OPM Response: