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

# DRAFT
# Conservation and Development Policies Plan 2013-2108: Response to State Agency Comments

## 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.

**Agency Name**: **Connecticut Housing Finance Authority**

Nature of Comments:
Remove reference to "CEDF" on Attachment A of the Draft C&D Plan, since CHFA does not administer this program.

OPM Response:
1) Agree

**Agency Name**: **Connecticut Siting Council**

Nature of Comments:
1) The importance of energy infrastructure is generally understated in the Plan. 2) A reference should be made to the Siting Council's "Life Cycle Cost" report of electric transmission lines. 3) Plan should address the need to balance competing goals and tradeoffs which must be made with regard to siting various energy facilities (esp. renewable) when the resources are located in the state's more rural areas.

OPM Response:
1) At the time of publication, the DEEP's Draft Comprehensive Energy Stategy had not been published. Page 6 of the Plan indicates that specific agency plans are linked to provide more detailed information and policy guidance beyond that provided in the Plan. 2) Attachment E includes a reference to the subject report; however, OPM does not believe this report meets the criteria of CGS Sec. 16a-31(e) to be referenced under "Plans Prepared by State Agencies under State or Federal Law". 3) Agree to add the following new policy statement in GMP #4: "Utilize the state’s renewable power generation potential to the extent that is compatible with state goals for environmental protection, and minimize potential impacts to rural character and scenic resources when siting new power generation facilities and/or transmission infrastructure."

**Agency Name**: **Council on Environmental Quality**

Nature of Comments:
1) Suggest a change in the title from "A Plan for CT" to "The Plan for CT". 2) More emphasis should be placed on protecting water resources, Long Island Sound and prime and important farmland. 3) Plan should provide more information on importance of natural resources to the economy and peoples' lives. 4) Plan should incorporate statewide goals for preserving open space and farmland. 5) Suggest that decentralized wastewater systems only be encouraged after thorough scrutiny of a proposed project's adherence to GMPs, and corresponding fees be charged that are adequate to meet the state's need to monitor such systems. 6) Concern about sewer and water extensions with regard to enabling more extensive development than intended to address a stated need. 7) GMP #5 should include the level of municipal guidance from the 2005-2010 Plan pertaining to land use intensity in public water supply watersheds. 8) Suggest that Priority Development Areas on Map reflect actual boundaries of water and sewer and not by Censue Block. 9) Concern with term "Balanced Growth". 10) CT River Asesmbly and CT River Gateway Commission areas should be reflected as conservation factors on Map. 11) State designated greenways should be illustrated. 12) Include DOT scenic lands on Map.

OPM Response:
1) Agree. 2) Recommend modifying the GMP #4 policy that begins "Protect and preserve..." to add emphasis to water resources and LIS; protection of agricultural lands is covered under the GMP #4 policy that begins "Promote agricultural businesses..." 3) This issue is addressed broadly in the GMP #4 introduction, and in greater detail in various plans referenced on p.19. 4) Plan includes examples of performance indicators (including acreage of preserved open space and farmland) to measure the state's progress toward meeting statewide goals or "benchmarks" for open space and farmland preservation. As noted on p.4 of the Draft Plan, OPM views the development of a comprehensive set of benchmarks to be a longer term goal, so OPM opted to not include any benchmarks at this time. OPM recognizes that certain goals already exist in statute, and these would certainly be a part of future benchmarking efforts. 5) Recommend adding the language "when properly installed and maintained" after the reference to decentralized systems in the GMP #4 introduction. 6) Recommend modified language to the GMP 4 policy that begins "Rely upon the capacity of the land..." to address this concern. Note that OPM is coordinating a more uniform state agency approach to infrastructure planning that helps to clarify where "transmission" and "distribution" are intended to occur, to minimize unintended land use impacts. For example, when an extension is needed to address a specific area with a public health and/or safety concern, a loan/grant condition may be placed on service connections to limit more extensive development along the transmission route. 7) Recommend adding a new policy in GMP #5 that reads "Minimize development impacts on drinking water supplies by utilizing development forms and densities that limit impervious surface coverage to 10% of the overall area to be developed and which preserves the most amount of land in a natural or undisturbed state" to give municipalities flexibility (commensurate with state agency guidance) in determining how best to stay within the overall density allowed under current zoning, while encouraging the use of more compact growth techniques that can reduce impervious cover on a per unit basis. A recent study from Rhode Island, titled "The Need to Reduce Impervious Cover to Prevent Flooding and Protect Water Quality", indicates that compact development results in less impervious cover on a per unit basis, primarily due to the reduced amount of transportation infrastructure (e.g., roads, driveways, etc.). Although a clustered subdivision may have more impervious coverage than a typical one dwelling per two acre scenario, the overall watershed impervious cover can be reduced and water quality maintained when the amount of runoff is reduced due to smaller yards or common area. 8) Due to concerns over the accuracy of map data

pertaining to public water and sewer service areas, OPM believes that the Census Block approach is warranted at this time to establish initial boundaries of priority funding areas. Municipalities can opt out of a development designation for any Census Block if they feel it is not respresentative of local plans. Municipalities may also provide data on any local conservation priorities they would like to have reflected on the Map to change a development area to balanced growth. Finally, rural municipalities may also opt to delineate specific boundaries for Village Growth Areas, where appropriate. State agencies and other interested parties will be able to access specific data layers, such as sewer service area, when determining the consistency of their actions with the Plan (see response to Dept. of Economic and Community Development comment #1. 9) OPM recommends changing the term to "Balanced Priority Funding Area", and additional guidance will be provided in the Map chapter for state agencies in applying the Map categories for proposed growth-related projects as defined in CGS Sec. 16a-35c. 10) Agree to add these if data can be obtained. 11) A link to state designated greenways is provided on p.13, since the line data does not reflect well on the Map. 12) OPM is currently aware of less than 50 acres of such lands being mapped and does not believe that incorporating this information on the Map would add any significance. OPM will consider adding scenic roads to the GMP #4 map as an alternative.

**Agency Name**: **Department of Agriculture**

Nature of Comments:

1) Suggest removing the 25-acre threshold for farmland soils on the Map and including "additional farmland soils of statewide importance" as well as "additional farmland soils of local importance" for the 30 towns with such USDA-NRCS designation. 2) The importance of the CT Lowlands region for its high concentration of Prime and Important Farmland soils, long growing season, and production of specialty crops should be addressed, since it is most threatened by development. 3) Suggest including farmland mitigation language under each GMP, so as to ensure that state-sponsored actions always take into consideration potential impacts on farmland resources. 4) Add policy guidance to ensure that future water and sewer expansion projects do not convert farmland resources to non-agricultural development without application of such mitigation policy. 5) Recommend that four acres of farmland soils of equivalent quality and value in the same community are compensated for every acre converted to non-agricultural use. 6) Recommend a performance indicator of number of farm markets around major rail line upgrades and around other transportation hubs. 7) Note cross-over effect of certain programs in Attachment A to emphasize that actions promoting the growth of CT's agriculture economy do not require PFA exceptions regardless of where they might occur.

OPM Response:

1) From a statewide planning perspective, the 25-acre threshold is consistent with various statutory and programmatic requirements (e.g. G.O. Bond Procedure Act, STEAP, etc.). Recommend that the farmland soils criteria be expanded to include prime, statewide important, and locally important when greater than 25 acres. OPM will also add any such farmland soils data that is below the 25 acre threshold when specifically requested by a municipality to have it included as a local conservation priority. 2) The Plan takes a broad approach to setting the state's vision and policies, and would defer to agency plans, such as the forthcoming Agriculture Strategic Plan, and local plans to further delineate other important characteristics that might help infomrm state agencies when they propose certain actions. 3) This issue is addressed in the first bullet on p.6. 4) The policy statement in GMP #4 that begins "Promote agricultural businesses..." provides guidance for all state-sponsored development actions. Certain development actions that have been deemed consistent with the Plan may need to be reviewed under CEPA to determine the extent of impacts on the environment and address potential avoidance, minimization, and/or mitigation of agricultural lands on a case-by-case basis. 5) OPM believes that the complexity of this issue makes it ripe for discussion in the Agriculture Strategic Plan process, with a suggestion that consideration be given to making any compensation factor applicable regionally; not just within the affected town. In the meantime, compensation will continue to be addressed on a case-by-case basis as afforded in the CEPA process. 6) It is expected that the establishment of performance indicators will be a longer term effort that will require considerable scrutiny. As such, OPM does not recommend adding any additional examples at this time. 7) Agree to update matrix to reflect that certain agriculture programs do tie in with GMP #1. Note that only proposed actions meeting the definition of "growth-related project" will be subject to the PFA requirements.

**Agency Name**: **Department of Economic & Community Development**

Nature of Comments:

1) Use of Census Blocks on Map can lead to incorrect interpretation of the LGM. Suggest enabling agencies to view specific factors without the limits of the Census Block, so that staff can making planning decisions based on the presence of various factors. 2) Suggest that OPM prepare a template for a range of scenarios for life-cycle cost analyses, as called for in GMP #1. 3) Note that PFA statutes have a different dollar threshold than for C&D Plan applicability ($100k vs. $200k). Recommend that consideration be given to increasing the overall threshold to $500k to take into account average costs of typical development projects in 2012.

OPM Response:

1) Although the Map is not intended to be the determinant of Plan consistency, OPM understands that the underlying data should be available to assist agencies in their planning efforts. OPM will develop a means for agencies and other interested parties to view individual data layers (such as water/sewer service, transit facilties, farmland soils, aquifer protection areas, etc.), based on actual boundaries (not by Census Block). Also, see related response to CT Chapter of the American Planning Association comment #6. 2) OPM will develop such a template to assist agencies in their planning efforts with municipalities, consultants, etc., so that there is a public recognition of all costs associated with proposed infrastructure extensions outside of the existing/planned service area (see related response to DEEP #1a and DPH #2a) 3) OPM has submitted a legislative proposal to make both thresholds $200k. By way of this comment, OPM will also consult with the Continuing Committee on whether there is interest in raising the dollar threshold beyond $200k to account for inflation over time.

**Agency Name**: **Department of Energy & Environmental Protection**

Nature of Comments:
1) Suggest several modifications to policy statements included in the Draft Plan on: a) p. 8; b) p.17; c) p.18; d) p.19; e) p.22; f) p.27; g) p.34. 2) It is unclear why the programs listed in Atachment A are targeted to specific GMPs, since many of the resource protection policies in GMPs #4/5 can potentially apply to any project. 3) Add new policies under GMP #4 to: a) focus on outdoor recreation; b) sustainable silviculture; c) lakes and watersheds. 4) Note that passage of PA 12-101 (Sec. 9) includes new requirements for the Plan to consider regarding risks associated with increased coastal erosion caused by rise in sea level, etc. 5) Add a new policy under GMP #5 that addresses the Comprehensive Energy Strategy (language provided).

OPM Response:
1)a) OPM believes that the life-cycle cost analysis provisions should remain for "immediate public health or safety concerns" and not for "demonstrated environmental, public health or safety concerns" because the cost of operation, maintenance and repairs to ratepayers should be a consideration whenever there is sufficient time to allow for such discretion on new capital investments that extend past the existing/planned service area (see related response to DPH comment #2a and DECD #2). Agree to add reference to "climate change" in the GMP #1 policy that begins, "Minimize the potential impact...". b) In order to avoid confusion over the different uses of the term, OPM will change the referrence to "natural infrastructure" in the GMP #4 introduction, and a reference to DEEP's definition of "green infrastructure" will be incorporated in the GMP #1 policy that begins "Encourage multidisciplinary approaches..." c) Accepted suggested language to the GMP #4 policy that begins "Protect and preserve..., with minor modifications; added reference to LID techniques in GMP #4 policy that begins "Utilize the landscape..."; Revised the GMP #4 policy that begins "Rely upon the capacity of the land..." to address the comment about "existing and potential water supply watersheds and aquifers". This revised policy covers all lands not currently served by public water/sewer and may also relate to the new GMP #5 policy that begins "Minimize development impoacts on drinking water supplies..." d) Deleted references to "Multiple Use Rivers Act" in the GMP #4 policy that begins "Undertake development activities..." and added a new policy statement the begins "Protect the ecological..." (also see response to DEEP #3c); OPM does not believe the Long Island Sound Study meets the criteria for CGS Sec. 16a-31(e), so suggested references have not been included in this Plan. The GMP #4 policy that begins "Protect and preserve...Long Island Sound" provides DEEP the latitude to utilize the LIS Study as it deems appropriate; Agree to add new water quality policy in GMP #4 that begins "Protect, maintain and restore..." e) Agree to add reference to SIP in GMP #5 policy that begins "Attain National Ambient Air Quality Standards..."; Agree to add modified language in the GMP #5 policy that begins "(Manage) Discourage development activities..." f) As noted in OPM's response to DECD comment #1, the sponsoring agency may consider the underlying data layer(s) in applying the Plan's policies and making its determination of consistency. If consistent with Plan policies, then the Census Block designation will determine whether or not the sponsoring agency would need to seek a PFA exception under CGS Sec. 16a-35d; g) Recommend retaining statutory reference to "natural area" and suggest that DEEP pursue any desired modifications legislatively. 2) The matrix is intended to generally illustrate the GMP(s) that are typically associated with various state agency programs, and is not intended to serve as an absolute guide for any agency in their determination of consistency. 3)a & b) Both issues are more appropriately addressed through their legislatively required plans, as identified on p.19, with additional language provided on p.6 indicating how such plans fold into this Plan; c) Recommend modifying the new GMP #4 policy that begins "Protect the ecological..." to include

reference to lakes. 4) Recommend including modified language to the GMP #4 policy that begins "(Undertake) Minimize the siting of new infrastructure..." 5) See response to CT Siting Council comments #1 and #3, as well as the existing policy in GMP #1 that begins "Capitalize on opportunities..."

**Agency Name**: **Department of Public Health**

Nature of Comments:

1) Request clarifying language be included in Draft Plan stating that Drinking Water State Revolving Fund (DWSRF) projects are not considered to be growth-related projects because federal rules limit the use of such funds to replacing or rehabilitating existing aging infrastructure or addressing other public health problems. 2)a) Suggest modified language to the GMP #1 policy that begins "Undertake a life-cycle cost analysis..."; b) Suggest that the Plan's policies be updated to reference the list of sources or potential sources of water that require protection under CGS Sec. 25-33q. 3)a) Request confirmation that the term "green infrastructure" in the GMP #4 introduction applies to decentralized wastewater infrastructure that is dependent upon the natural landscape to function; b) Recommend that the GMP #4 policy that begins "Rely upon the capacity of the land..." include language that any introduction or expansion of public water and sewer services in rural areas shall not cause the character of the existing development to change contrary to what is called for in the local POCD. 4) Recommend changing the terminology used in item #4 of the GMP #5 map from "Suitable Drinking Water Quality Area" to "Public Drinking Water Integrated Watershed Management Area". 5) Recommend that GMP #6 clarify that its policies encourage the use of wastewater infrastructure practices that meet community development goals.

OPM Response:

1) OPM does not feel that such clarification is appropriate for the Plan. Individual state agencies will need to develop internal protocols and procedures upon adoption of the Plan to address the unique actions and requirements associated with any programs that they administer, which may be subject to the Plan's consistency requirement. 2)a) Recommend modified language be included that retains the original policy provisions, but will allow affected agencies the opportunity to clarify the internal protocols and procedures (as noted in DPH #1) for performing a LCCA (see related response in DEEP #1a and DECD #2); b) OPM will reflect the information provided on the list prepared by DPH in the Map criteria. 3)a) See response to DEEP comment #1b, and corresponding revisions to last paragraph in GMP #4 introduction; b) Policy statement was revised, but without reference to local POCD. Local POCD consistency would be a prerequisite for a PFA exception under CGS Sec. 16a-35d, whenever a state agency-sponsored growth-related project is proposed to be located outside of a PFA. Also added the term "beyond the limits of the existing service area" in place of "in rural areas" to clarify the policy previously applied to the Rural Lands category on the 2005-2010 Map. 4) Recommend changing term to "Public Drinking Water Supply Watershed Area". 5) Added reference to "community development goals" in the GMP #6 policy that begins " Support the creation..."

**Agency Name**: **Department of Transportation**

Nature of Comments:

1) Request that performance measures associated with the Plan be given ample time to develop, so DOT can coordinate with forthcoming federal guidance and regulations to address the performance-based requirements of the the new federal transportation authorization act (MAP-21). 2) Request that some reference or link be provided to the Complete Streets law, since it touches upon almost every aspect of the Plan. 3) The GMP #1 map on p.10 does not show the locations of seaports, ferry terminals and ferry services. 4) Suggest substituting several performance indicators in GMP #3 with more relevant indicators of "concentrating development" (specific examples provided). Should consider a specific threshold for "level of rail/bus service" for prioritizing investments around rail/bus stations. 5) Recommend that the recently published CT Deep Water Port Strategy Study be listed in GMP #3 under the section "Examples of Plans Prepared by State Agencies under State or Federal Law". 6) Recommend adding the following performance indicator to GMP #4: "Annual increases in both the total funding and percentage of dollars spent from construction and maintenance projects to bicycle and pedestrian access projects." 7) Recommend modifying the definition of "infrastructure" to add reference to "port infrastructure" after "airports and facilities". 8) Concern expressed over the process for implementing the Plan and Map for various types of projects that can span multiple municipalities and require compliance with federally-mandated transportation planning requirements. Specific issues provided.

OPM Response:

1) Agree, as noted on p.4 of Draft Plan. 2) Recommend adding a new policy to GMP #3 that states "Ensure that the planning, design, construction, and operating activities of state and local highways accommodate, to the extent possible, municipal plans and the needs of all users". 3) While there is overlap between GMP #1 and GMP #3, OPM believes that the referenced criteria are more appropriately included in the GMP #3 map. 4) As noted in DOT comment #1, OPM agrees that the examples of performance indicators should not be finalized until after undergoing considerable scrutiny. As such, OPM does not recommend listing any of the suggested examples at this time because it is not clear how they would be measured or by whom. 5) OPM does not believe that the study meets the requirement for a review of consistency with the Plan under CGS Sec. 16a-31(e). However, a reference to the study will be added to the GMP #3 policy that begins "Restore strategic shipping channels..." 6) See response to DOT comments #1 and #4. 7) Recommend modifying definition to reference "airports and port facilities". 8) Individual state agencies will need to develop internal protocols and procedures upon adoption of the Plan to address the unique actions and requirements associated with any programs that they administer, which may be subject to the Plan's consistency requirement. OPM recognizes that the term "corridor management areas" in CGS Sec. 16a-27(d) will likely play a role in finding workable solutions to such internal protocols and procedures. If there is a need to integrate any new corridor management areas policies in the Plan, OPM would seek to initiate an interim change under CGS Sec. 32(b).

**Agency Name**: **University of Connecticut**

Nature of Comments:
1) Map categories associated with the 2005-2010 Plan are referenced in the CEPA Environmental Classification Documents (ECDs) for State Agencies and should be changed to reflect the new Map categories. 2) Specific map comments concerning number of factors present. 3) Each factor on the Map should be clearly defined or explained. 4) Suggest the format heading in Attachment A be carried to the top of the second page.

OPM Response:
1) OPM recognizes that the new Map categories will no longer serve the same function as in the past with regard to the CEPA screening process. Upon adoption of the 2013-2018 Plan, OPM will work with affected state agencies to initiate an update of the Generic ECD and any agency-specific ECDs, as appropriate. 2) OPM will address the factors related to Priority Development Areas. 3) OPM intends to make various improvements to the online map tool, which will include the supporting data layers such as sewer service, with additional information provided in the Map chapter of the Plan . 4) Agree.